OHIO NEWSPAPER AND PUBLICATION LAWS

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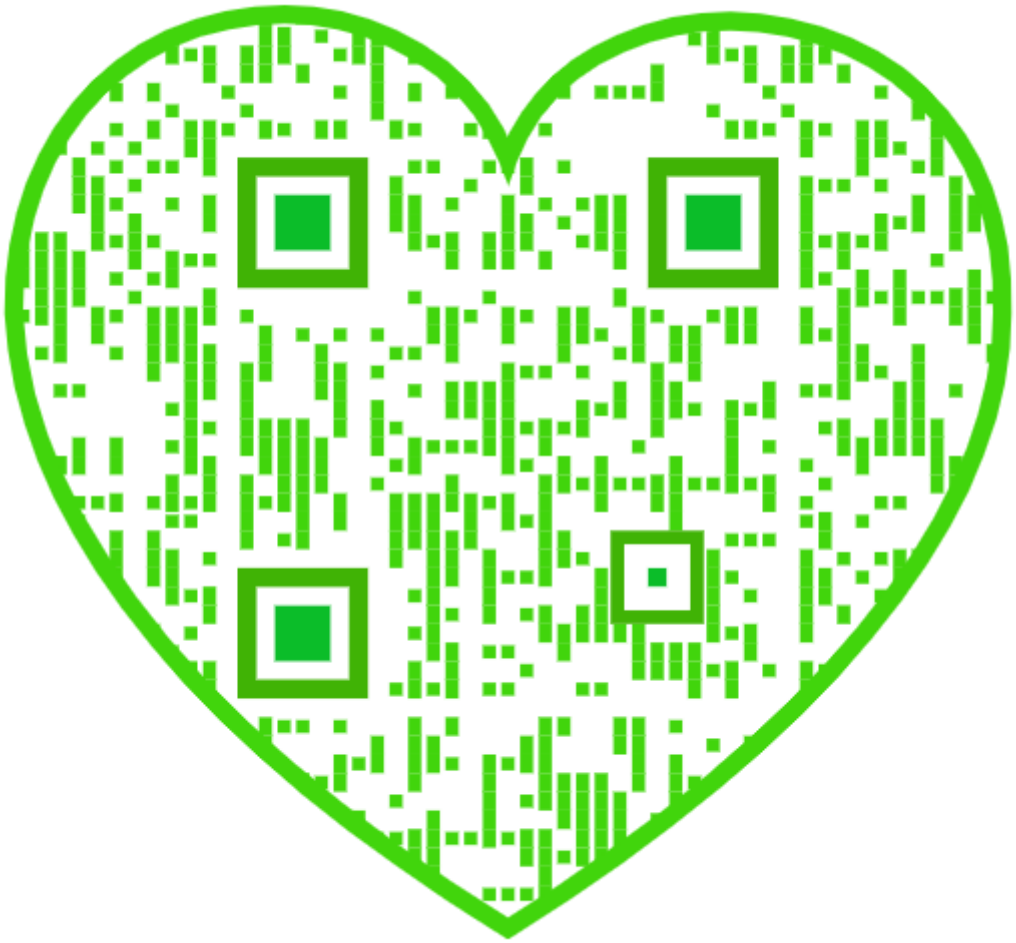

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TABLE OF CONTENTS AND NUMERICAL INDEX

General Provisions

Chapter 5: State Insignia; Seals; Holiday

Section		*Page*
5.41	Financial institutions permitted to remain closed on Saturdays, and certain week days; notice required	1

Chapter 7: Process; Publication

7.01	Process	1
7.10	Rates for legal advertising; definition of square	1
7.11	Notices, proclamations, and orders to be published in two newspapers	2
7.12	Newspapers qualified for publication of legal notices; office of publication	2
7.13	Expense of publishing certain notices allowed as costs	3
7.14	Publication in newspapers other than those named in statute	3
7.15	Deposit required for service by publication; return of deposit	3

Chapter 9: Miscellaneous

9.25	Purchase of surplus commodities	3

Title I—State Government

Chapter 101: General Assembly

101.47	Deposition on complaint	4
101.71	Employer of lobbyist must register	4
101.72	Certificate required	4
101.76	No person shall be employed on a contingent basis	4

Chapter 107: Governor

107.09	Publication of decennial apportionment	

Chapter 109: Attorney General

109.18	Service by publication	5

Chapter 117: Bureau of Inspection and Supervision of Public Offices

117.19	Forfeiture for failure to publish financial report	5

Chapter 119: Administrative Procedure

119.03	Procedure for adoption; amendment, or rescission of rules	5
119.07	Notice of hearing; contents; notice of order of suspension of license; publication of notice; effect of failure to give notice	5

CHAPTER 123: DEPARTMENT OF PUBLIC WORKS

Section		Page
123.15	Authority to contract	6
123.23	Copy of certificate delivered to owner	6
123.31	Notice of proceedings	6
123.64	Rights of occupants or persons claiming ownership may be forfeited	7
123.68	Land may be sold	7

CHAPTER 125: DEPARTMENT OF FINANCE

125.33	Notice for proposals to furnish paper	7
125.35	Department may reject bids	7
125.39	Forfeiture of bond	7
125.47	Classes of state printing	7
125.48	Notice for proposals for state printing	8
125.52	First rejection of bids	8

CHAPTER 129: BOARD OF COMMISSIONERS OF SINKING FUND

129.10	Bank at which interest shall be paid	8
129.18	Certificates of bonded debt; disposal	8

CHAPTER 133: UNIFORM BOND LAW

133.11	Election; publication of notice; contents	9
133.18	Submission of question of issuing bonds for permanent improvements to electors of school district	9
133.35	Private sale of notes or bonds; notice and procedure	9

CHAPTER 135: DEPOSITORIES

135.07	Estimate of deposits; resolution; publication, active and inactive deposits	9
135.16	Deposits in a public depository; designation of trustee	10

CHAPTER 153: BUILDINGS

153.06	Form of proposals	10
153.07	Publication of notice; plans and specifications open to public inspection	10
153.32	Contracts for erection and repair of superstructures	10
153.40	Advertisements for proposals	10
153.42	Private contract	11

TITLE III—COUNTIES

CHAPTER 301: ORGANIZATION

301.02	Notice of intention to present petition	11
301.15	Selection of seat of justice	11

CHAPTER 303: COUNTY RURAL ZONING

303.06	Public hearing on recommendations; notice	11
303.08	Public hearing on zoning plan	11

CHAPTER 307: BOARD OF COUNTY COMMISIONERS—POWERS

Section *Page*

307.07 Notice of intended purchase or improvement; public comfort station 12
307.10 Procedure in sale of real estate; deed made; duties of board of county commissioners 12
307.12 Sale of personal property by the county..... 12
307.71 Copies of county newspapers to be bound and filed..... 12

CHAPTER 313: CORONER

313.14 Notice to relatives; disposition of property..... 12

CHAPTER 315: ENGINEER

315.30 Notice of taking depositions..... 13

CœAPTER 317: RECORDER

317.20 Sectional indexes 13

CHAPTER 319: AUDITOR

319.10 Submission of report to judge of court of common pleas; publication 14

CHAPTER 323: COLLECTION OF TAXES

323.08 Notice of taxes assessed..... 14
323.62 Notice to taxpayer..... 14

CHAPTER 337: COUNTY HOMES

337.17 Free publication of detailed statement..... 14

CHAPTER 339: HOSPITALS

339.05 Advertisement for bids..... 15
339.08 Hospital trust fund..... 15

CHAPTER 343: COUNTY GARBAGE AND REFUSE DISPOSAL DISTRICTS

343.04 General plan for garbage and refuse disposal district..... 15
343.05 Adoption of improvement resolution..... 15

CHAPTER 345: MEMORIAL BUILDINGS

345.02 Bond issue for soldiers' memorial..... 15
345.03 Tax levy resolution certified to board of elections; notice of election 16

TITLE V—TOWNSHIPS

CHAPTER 501: ORIGINAL SURVEYED TOWNSHIPS

501.18 Improvements upon lands..... 16
501.28 Publication of intended lease or sale of lease; acceptance of proposals 16
501.33 Action for recovery of rents on failure to make payments; public sale 16
501.34 Advertisement of sale..... 17
501.36 Lease upon contract providing shares in lieu of cash..... 17

Section *Page*

501.38 Sale of school or ministerial lands 17

501.39 Sale upon consent of inhabitants; notice of sale 17

CHAPTER 503: GENERAL PROVISIONS

503.05 Adjustment of disputed boundaries 18

CHAPTER 505: TRUSTEES

505.10 Acceptance of property authorized; sale of township property and equipment 18

505.17 Regulations for vehicle parking 18

505.28 Creation of water disposal district 18

CHAPTER 511: MEMORIAL BUILDINGS; HALLS; PARKS

511.08 Petition to build memorial 19

511.12 Plans, specifications, and contracts 19

511.21 Notice of submission of question 19

511.28 Submission of question of increased levy 19

CHAPTER 513: HOSPITALS; JOINT HOSPITAL DISTRICTS

513.06 Submission of question to electors 19

513.08 Agreement for participation in construction and maintenance of municipal hospital; bond issue submitted to electors 20

513.09 Contributions by district; appropriation; tax levy 20

513.14 Advertisement of proposed question 20

CHAPTER 515: LIGHTING

515.01 Lighting unincorporated districts 20

515.04 Notice of petition 20

CHAPTER 517: CEMETERIES

517.22 Public sale of cemeteries 21

CHAPTER 519: TOWNSHIP ZONING

519.06 Public hearing on recommendations; notice 21

519.07 Proposed zoning resolution to county or regional planning commission; approval; public hearing if resolution disapproved; certification to township trustees 21

519.08 Public hearing on zoning plan 21

TITLE VII—MUNICIPAL CORPORATIONS

CHAPTER 701: GENERAL PROVISIONS

701.04 General provisions when no newspaper printed at place where publication is required 21

701.05 Authority of municipal corporations 21

CHAPTER 703: CLASSIFICATION

703.10 Resolution to take census 22

CHAPTER 705: PLANS OF GOVERNMENT

Section		Page
705.01	Petition for submission of question of organizing municipal corporation under a specific plan	22
705.03	Form of ballot in submitting question of organizing under plan.	22
705.16	Publication of ordinances	22
705.17	Annual tax ordinance	22

CHAPTER 707: INCORPORATION

707.05	Presentation of petition to the board of county commissioners..	22
707.06	Hearing	23
707.16	Procedure upon receipt of petition	23
707.25	Proceedings to change name	23

CHAPTER 709: ANNEXATION; DETACHMENT

709.03	Petition presented to board of county commissioners; proceedings	23
709.16	Proceedings before board of county commissioners; county owned territory	23
709.29	Submission of question of annexation to a vote; procedure	24
709.39	Petition to submit question of detachment of territory; election	24

CHAPTER 711: PLATS

711.18	Application for vacating or altering plat; notice	24
711.25	Vacation of lots not within a municipal corporation	24
711.35	Publication of notices	25

CHAPTER 713: PLANNING COMMISSIONS

713.12	Publication of notice and public hearing before passing ordinance	25

CHAPTER 715: GENERAL POWERS

715.47	Powers to fill lots and remove obstructions	25
715.65	Licensing of advertising mediums and matters	25

CHAPTER 719: APPROPRIATION OF PROPERTY

719.05	Proceedings on passage of appropriation resolution	25
719.07	Notice to owners of property	26

CHAPTER 721: SALE OR LEASE OF PROPERTY

721.03	Lease or sale of real estate	26
721.07	Publication of notice before leasing; bids	26
721.14	Election	26
721.15	Sale of personal property	26
721.20	Notice of petition to be published	27

CHAPTER 723: STREETS; PUBLIC GROUNDS

723.07	Notice of application to be published	27
723.10	Notice of petition	27
723.26	Assessment of property for surface treatment of streets	27
723.39	Notice required of application to establish street railway route..	27

CHAPTER 725: REHABILITATION OF BLIGHTED AREAS

Section		Page
725.03	Requisites and conditions for carrying out a development plan..	28
725.10	Modification of development plan	28

CHAPTER 727: ASSESSMENTS—GENERALLY

727.05	Service connections	28
727.07	Lighting street, alley, dock, pier, or road; special assessment	28
727.08	Improvement of boundary street between two municipal corporations by agreement	29
727.09	Resolution of necessity	29
727.14	Notice	29
727.28	Letting of contract	30
727.29	Special assessments deemed valid and binding	30
727.36	Ordinance for sprinkling, sweeping, and cleaning	30
727.37	Notice to owners of lots and lands	30
727.41	Street lighting may be assessed upon abutting property; notice.	30
727.42	Notice of passage of ordinance	31
727.53	Notice of assessment to be published	31
727.54	Cost of improvement	31
727.56	Assessment and penalty recovered by suits; enforcement of lien.	31

CHAPTER 729: ASSESSMENTS—SIDEWALKS, SEWERS

729.02	Notice to construct or repair sidewalks	31
729.03	Service upon agent or owner	31
729.04	Notice to nonresidents and persons not found	31
729.09	Contents of sidewalk construction or repair resolution	32
729.13	Construction of sidewalks in villages upon petition	32
729.14	Notice to owners of abutting property to clean sidewalks	32
729.22	Construction resolution	32
729.34	Notice of completion of plan to be advertised	32
729.38	Resolution of necessity and notice thereof; publication of notice.	33
729.39	Ordinance authorizing construction	33
729.41	Construction of sewers without adopting plan or dividing municipal corporation into districts	33
729.44	Advertisement for bids	33

CHAPTER 731: ORGANIZATION

731.14	Contracts by legislative authority of a village	33
731.20	Authentication and recording	33
731.21	Publication of ordinances and resolutions; proof of publication and circulation	33
731.22	Times of publication required	34
731.23	Publication and certification of ordinances in book form	34
731.24	Certification of clerk as to publication	34
731.25	Publication when no newspaper in municipal corporation	34
731.29	Ordinances and measures subject to referendum	35
731.51	Notice to owner to cut noxious weeds; service	35

CHAPTER 735: PUBLIC SERVICE

Section		Page
735.05	Contracts, material, and labor	35
735.11	Powers and duties	35
735.20	Notice of completion of plans	35
735.25	Joint platting commission by adjoining municipal corporations	36
735.26	Amendment of plans	36
735.29	General powers and duties	36

CHAPTER 737: PUBLIC SAFETY

737.32	Sale of unclaimed property; disposition of proceeds	36

CHAPTER 743: ELECTRIC; GAS; WATER

743.11	Bond of contractor; emergency	36
743.39	Right of eminent domain in municipal corporations with electric light or gas	37
743.40	Manner of appropriation; restrictions thereon	37

CHAPTER 745: STREET RAILWAYS

745.07	Submission of ordinance to electors; notice of election	37

CHAPTER 747: RAPID TRANSIT COMMISSION

747.05	Control and expenditure of funds; contracts for work	37
747.11	Power to lease depots and terminals; submission of question to electors	37
747.12	Sale or lease of unused real estate; procedure; proceeds from sale; execution of contract	37

CHAPTER 749: HOSPITALS

749.11	Advertise for proposals	38
749.26	Procedure before entering into contracts	38
749.28	Notice for bids	38

CHAPTER 755: PARKS; RECREATION

755.30	Notice for proposals	38

CHAPTER 757: MUSIC; MUSEUMS

757.02	Certification of resolution to board of elections; conduct of election	38

CHAPTER 759: CEMETERIES

759.47	Sale of old approach	38

TITLE IX—AGRICULTURAL—ANIMALS—FENCES

CHAPTER 903: OHIO AGRICULTURAL EXPERIMENT STATION

903.10	Petition for vote for experiment farm	39
903.21	Sale of unused farm	39

CHAPTER 907: AGRICULTURAL SEEDS

Section		Page
907.01	Definitions	39
907.02	Use of words	39
907.05	Words prohibited in advertising	39
907.08	Enforcement; inspection and analysis of seeds	40
907.14	Jurisdiction	40
907.20	Inspection	40

CHAPTER 911: BAKERIES

911.34	Enforcement; rules and regulations	40

CHAPTER 917: DAIRIES

917.15	Plans of operation	41

CHAPTER 923: INSPECTION OF FEEDSTUFFS

923.28	Prohibition	41

CHAPTER 941: ANIMAL DISEASES

941.53	Area plan of testing for tuberculosis	41
941.93	Enforcement of sections	41

CHAPTER 951: ANIMALS RUNNING AT LARGE; STRAYS

951.11	Estrays	42

TITLE XI—BANKS—BUILDING AND LOAN ASSOCIATIONS

CHAPTER 1103: BANKS—GENERALLY

1103.05	Publication of notice of proposed bank	42
1103.15	Directors may sell stock for amount of unpaid subscription	42
1103.18	Authorization to commence business	42
1103.21	Code of regulations	42
1103.31	Amendments to articles	43
1103.36	Voluntary liquidation	43
1103.37	Conversion, consolidation, or transfer of assets and liabilities	43
1103.42	General provisions applicable	43

CHAPTER 1107: TRUST COMPANIES

1107.19	Retirement of foreign trust company from state	43

CHAPTER 1111: REGULATION OF BANKS

1111.22	Reports to superintendent three times a year	43
1111.23	Special reports	44

CHAPTER 1113: POSSESSION OF BANKS BY SUPERINTENDENT

1113.02	Conservatorship	44
1113.04	Notice of taking possession	45
1113.06	Notice to file claims not appearing on books	45
1113.08	Inventory of assets; listing of liabilities; report of liquidation	45

Section *Page*

1113.12 Powers and duties of superintendent upon taking possession.... 45
1113.13 Power to borrow money..... 46
1113.18 Dividends 46
1113.23 Resumption of business upon conditions approved by court..... 46
1113.28 Stockholders' meeting to be called after payment of creditors... 46

CHAPTER 1115: BANKS—MISCELLANEOUS PROVISIONS

1115.19 Misapplication of funds and false representations..... 47
1115.24 False advertisement of capital..... 47

CHAPTER 1151: BUILDING AND LOAN ASSOCIATIONS—GENERALLY

1151.11 Notice of meetings of shareholders..... 47

CHAPTER 1155: REGULATION OF BUILDING AND LOAN ASSOCIATIONS

1155.08 Form, contents, and time of filing reports..... 47
1155.12 Superintendent may publish results of examination..... 47

CHAPTER 1157: POSSESSION OF BUILDING AND LOAN ASSOCIATIONS BY SUPERINTENDENT

1157.02 Procedure upon taking possession..... 47
1157.06 Inventory of assets; lists of liabilities and claims; report of liquidation 48
1157.11 Hearing of superintendent's application to exercise powers..... 48
1157.15 Application to court for instructions..... 48
1157.23 Self-liquidation by order of superintendent..... 49

TITLE XIII—COMMERCIAL TRANSACTIONS

CHAPTER 1311: LIENS

1311.19 Service 49
1311.45 Contractor to be notified of time of payment..... 49
1311.49 Sale of animal to satisfy claim..... 49

CHAPTER 1313: VOLUNTARY ASSIGNMENTS; BULK SALES

1313.14 Notice of appointment..... 50
1313.22 Sale of real property..... 50
1313.23 Sale of personal property..... 50
1313.45 Reports and settlements..... 50
1313.46 Notice of filing accounts..... 50
1313.48 Dividends 50

CHAPTER 1321: SMALL LOANS

1321.04 Investigation by division; notice of filing of application; notice to licensees; license issued; denial of application..... 51
1321.11 False, misleading, or deceptive statements prohibited; limitation of contract 51

CHAPTER 1323: WAREHOUSE RECEIPTS

1323.33 Satisfaction of lien..... 51
1323.34 Sale of perishable goods..... 51

CHAPTER 1329: LABELS AND MARKS

Section		Page
1329.42	Filing of name, mark or device, form	52
1329.65	Unauthorized use; subject to civil action; knowledge	52
1329.66	Rights and remedies	52
1329.67	Common law rights	53

CHAPTER 1333: TRADE PRACTICES

1333.07	Sale of advertisement of commodity at less than minimum price	53
1333.11	Definitions	53
1333.14	Type of sales excepted	53
1333.21	Revocation or suspension of license	53

TITLE XV—CONSERVATION OF NATURAL RESOURCES

CHAPTER 1501: DEPARTMENT OF NATURAL RESOURCES—GENERAL PROVISIONS

1501.10	Lease provisions	54

CHAPTER 1515: SOIL CONSERVATION COMMITTEE

1515.01	Definitions	54
1515.03	Petition for creation of soil conservation district	54
1515.04	Referendum	54
1515.05	Supervisors of soil conservation district	54
1515.12	Referendum for continuing soil conservation district	55

CHAPTER 1523: WATER IMPROVEMENTS

1523.01	Chief may construct, enlarge, or alter improvements	55
1523.02	Chief may issue bonds to finance construction	55
1523.03	Contract for construction	56
1523.08	Contract for repairs to improvements; payment	56

CHAPTER 1531: DIVISION OF WILDLIFE

1531.26	Appropriation proceedings	56

CHAPTER 1545: PARK DISTRICTS

1545.03	Notice and hearing	56
1545.11	Power to acquire property	57
1545.12	Sale or lease of lands; notice; approval of probate court	57
1545.15	Annexation procedure	57
1545.24	Issuance of bonds	57
1545.25	Procedure for sale of bonds	58

TITLE XVII—CORPORATIONS—PARTNERSHIPS

CHAPTER 1701: GENERAL CORPORATION LAW

1701.30	Enforcing payment for shares	58
1701.89	Notice of voluntary dissolution	58
1701.96	Order to show cause	58

CHAPTER 1702: GENERAL CORPORATION LAW—Continued

Section *Page*

1702.27 Judicial sales 58

CHAPTER 1707: SECURITIES

1707.15 Application for and issuance of dealer's license..... 59
1707.16 Application for and issuance of salesman's license..... 59

CHAPTER 1711: AGRICULTURAL CORPORATIONS

1711.05 Publication of treasurer's account; reporting of awards by county society 59
1711.07 Board of directors of county society..... 59
1711.15 County aid to county agricultural society..... 59
1711.17 County joint ownership..... 60
1711.18 Issuance of county bonds to pay debts of county society..... 60
1711.30 Election on question of issuing bonds..... 60

CHAPTER 1713: EDUCATIONAL CORPORATIONS

1713.09 Location may be changed..... 61
1713.24 Sale and distribution of property of certain corporations..... 61

CHAPTER 1715: RELIGIOUS AND BENEVOLENT ORGANIZATIONS

1715.02 Sale of cemetery grounds no longer usable..... 61
1715.03 Transfer of cemetery land to cemetery association..... 62
1715.05 Disposition of unused real estate..... 62
1715.09 Transfer of property of consolidating organizations..... 62
1715.37 Petition for conveyance..... 62
1715.39 Sale of encumbrance of real estate by a religious or charitable organization 63

CHAPTER 1721: CEMETERY ASSOCIATIONS

1721.15 Sale of grounds by certain associations..... 63
1721.17 Transfer from one association to another..... 63

CHAPTER 1723: APPROPRIATION OF PROPERTY BY CERTAIN CORPORATIONS

1723.01 Power to enter upon and appropriate land..... 63
1723.02 Acquiring right to appropriate..... 63

CHAPTER 1729: CO-OPERATIVES

1729.12 Meetings of members or stockholders..... 64

CHAPTER 1779: SURVIVING PARTNERS; JOINT DEBTORS

1779.05 Bond of surviving partners electing to purchase..... 64

CHAPTER 1781: LIMITED PARTNERSHIPS

1781.04 Record and publication of certificate..... 64
1781.06 Extension of term..... 64
1781.17 Dissolution 64

CHAPTER 1783: LIMITED PARTNERSHIP ASSOCIATIONS

1783.11 Dissolution 65

CHAPTER 1901: MUNICIPAL COURT

Section *Page*

1901.23 Issuance of writs and process 65
1901.26 Costs 65

TITLE XXI—COURTS—PROBATE—JUVENILE

CHAPTER 2101: PROBATE COURT—JURISDICTION; PROCEDURE

2101.26 Service of notice 65
2101.27 Service of notice to persons under disability 65
2101.28 Waiver of service of notice 66

CHAPTER 2107: WILLS

2107.32 Notice 66

CHAPTER 2109: FIDUCIARIES

2109.26 Vacancy before termination of the trust; accounting; successor fiduciary 66
2109.31 Citation to file account 66
2109.32 Hearing on account; notice 67
2109.33 Service of additional notice; exceptions to account 67
2109.35 Effect of order settling account 67

CHAPTER 2113: EXECUTORS AND ADMINISTRATORS—APPOINTMENT; POWERS; DUTIES

2113.02 Limitation for granting original administration 67
2113.03 Court may order estate relieved from administration 67
2113.08 Notice of appointment 68
2113.09 Effect of failure to give notice 68
2113.10 Notice of appointment, administrator de bonis non 68
2113.41 Public sale 68

CHAPTER 2117: PRESENTMENT OF CLAIMS AGAINST ESTATE

2117.02 Presentation of claim to probate court 69
2117.05 Compromise and settlement of claims 69
2117.23 Year's allowance when decedent is nonresident 69

CHAPTER 2119: TRUSTEE FOR ABSENTEE

2119.02 Notice 69
2119.04 Mortgage, lease, or sale of real estate; sale of personal property. 70

CHAPTER 2121: PRESUMED DECEDENTS' LAW

2121.01 Proceedings in case of presumption of death 70
2121.02 Proceedings when letters of administration have been granted in other state 70
2121.04 Testimony; publication of notice 70

CHAPTER 2123: DETERMINATION OF HEIRSHIP

2123.04 Service by publication 71

CHAPTER 2127: SALE OF LANDS

Section *Page*

2127.32 Public or private sale 71
2127.33 Price at which real estate may be sold 71

CHAPTER 2129: ANCILLARY ADMINISTRATION

2129.02 Proceedings by nonresident executor or administrator to bar creditor's claims 71
2129.07 Proceedings to admit foreign will to record 71
2129.09 Notice of appointment 72

CHAPTER 2151: JUVENILE COURT

2151.29 Service of citations, notices, and subpoenas; publication of citation 72

TITLE XXIII—COURTS—COMMON PLEAS

CHAPTER 2301: ORGANIZATION

2301.06 Entry and publication of order fixing times for holding 72
2301.09 Special terms; order; publication 72

CHAPTER 2305: JURISDICTION; LIMITATION OF ACTIONS

2305.11 Time limitations for bringing certain actions 73

CHAPTER 2307: CIVIL ACTIONS

2307.28 Officer may be made a party to the action 73

CHAPTER 2311: PRETRIAL PROCEDURE

2311.29 Service by publication 73

CHAPTER 2313: COMMISSIONERS OF JURORS

2313.20 Notice of drawing; collection of forfeiture 73

CHAPTER 2317: EVIDENCE

2317.04 Impartial report of proceedings privileged 73
2317.05 Impartial report of indictment, warrant, affidavit, or arrest privileged 74

CHAPTER 2319: AFFIDAVITS; DEPOSITIONS

2319.17 Notice by publication 74

CHAPTER 2325: RELIEF AFTER JUDGMENT

2325.16 Service by publication 74

CHAPTER 2329: EXECUTION AGAINT PROPERTY

2329.12 Bond for delivery of goods and chattels 74
2329.13 Notice of sale of goods on execution 74
2329.23 Notices of sale of lands 75
2329.24 Name of township in certain cases 75
2329.26 Notice of time and place 75
2329.27 Publication 75

Section *Page*

2329.38 Printer's fee 75
2329.51 New appraisement 75

CHAPTER 2333: PROCEEDINGS IN AID OF EXECUTION

2333.14 Order of attachment may issue notice 76

TITLE XXV—COURT OF APPEALS

CHAPTER 2501: COURT OF APPEALS

2501.04 Publication of order 76
2501.11 Failure to hold a term 76

CHAPTER 2503: SUPREME COURT

2503.34 Special and adjourned terms 76

TITLE XXVII—COURTS—GENERAL PROVISIONS—SPECIAL REMEDIES

CHAPTER 2701: COURTS OF RECORD—GENERAL PROVISIONS

2701.09 Publication of court calendar 76

CHAPTER 2703: SERVICE OF SUMMONS

2703.14 Service by publication 77
2703.15 Affidavit necessary for service by publication 78
2703.16 Notice by publication when residence is known 78
2703.17 Publication 78
2703.18 Proof of service 78
2703.19 Personal service out of state 78
2703.24 Proceedings when heir or devisee is unknown 78

CHAPTER 2709: APPROPRIATION OF PROPERTY

2709.09 Service by publication 79
2709.12 Amendments 79
2709.34 Condemnation of unfinished roadbed 79

CHAPTER 2715: ATTACHMENT

2715.25 Disposal of attached property 79
2715.37 Proceedings after judgment for plaintiff 79

CHAPTER 2717: CHANGE OF NAME

2717.01 Proceedings to change name of person 80

CHAPTER 2719: CORRECTION OF DEFECTS IN INSTRUMENTS OR PROCEEDINGS

2719.04 Service 80

CHAPTER 2729: LOST AND DESTROYED ARTICLES

2729.09 Restoration of road records 80

CHAPTER 2733: QUO WARRANTO

Section *Page*

2733.11 Service by publication 80
2733.24 Duties of trustees as to notice of court order 80

CHAPTER 2739: SLANDER; LIBEL

Libel Annotations 81
2739.01 Libel and slander 85
2739.02 Defenses in actions for libel or slander 85
2739.03 Libel and slander liability of radio and television stations 85
2739.11 Definitions 86
2739.12 Newspaper reporters not required to reveal source of information 86
2739.13 Correction of false statement formerly published 87
2739.14 Publishing corrected statements 87
2739.15 Published statements shall be sworn to 87
2739.16 Refusal or failure to publish 87
2739.17 Prohibition against furnishing false news items 88
2739.18 Prohibition against threats of publication to influence official action 88
2739.99 Penalties 88

TITLE XXIX—CRIMES—PROCEDUDE

CHAPTER 2901: OFFENSES RELATING TO PERSONS

2901.37 Libel 88

CHAPTER 2905: OFFENSES AGAINST CHASTITY

2905.33 Advertising secret drugs 89
2905.34 Selling, exhibiting, and possessing obscene literature or drugs for criminal purposes 89
2905.35 Search warrants; disposition of property seized 89
2905.36 Sending obscene literature by mail 89
2905.37 Legitimate publications not obscene 90
2905.38 Delivering or depositing immoral literature 90
2905.39 Printing or posting immoral pictures 90

CHAPTER 2907: OFFENSES AGAINST PROPERTY—GENERALLY

2907.43 Sale of unclaimed, stolen, or abandoned property in possession of officer 90

CHAPTER 2909: OPPENSES AGAINST PROPERTY—MALICIOUS AND OTHER INJURIES

2909.10 Destroying books or paintings 91

CHAPTER 2911: FRAUDS

2911.03 False statements 91
2911.07 Reporting false transaction 91
2911.08 False statements concerning value of stocks, bonds, or notes 91
2911.10 Aiders and abettors 91
2911.30 Publishing fraudulent prospectus 92

Section *Page*

2911.41 Fraudulent advertising 92
2911.42 Prosecuting attorney may bring action for fraudulent advertising 92

CHAPTER 2915: GAMBLING

2915.19 Advertising lotteries, venue..... 92

CHAPTER 2923: OFFENSES AGAINST SOCIETY NOT OTHERWISE CLASSIFIED

2923.13 Advocating criminal syndicalism..... 92

CHAPTER 2965: PARDON; PAROLE

2965.18 Notice of pendency of pardon..... 93

TITLE XXXI—DOMESTIC RELATIONS—CHILDREN

CHAPTER 3101: MARRIAGE

3101.05 License application; physician's statement; serological test..... 93

CHAPTER 3105: DIVORCE AND ALIMONY

3105.02 Prohibition 93
3105.06 Notice to nonresident..... 94

CHAPTER 3107: ADOPTION

3107.06 Consent 94
3107.08 Approval or disapproval of placement; jurisdiction..... 94

CHAPTER 3111: BASTARDY

3111.22 Service by publication..... 94

TITLE XXXIII—EDUCATION—LIBRARIES

CHAPTER 3311: SCHOOL DISTRICTS; COUNTY PLANNING

3311.27 Publication of adopted resolution..... 95

CHAPTER 3313: BOARDS OF EDUCATION

3313.41 Sale of real or personal property..... 95
3313.46 Procedure for bidding and letting of contracts..... 95

CHAPTER 3375: LIBRARIES

3375.41 Procedure when cost of building or improvements exceeds five thousand dollars 95

TITLE XXXV—ELECTIONS

CHAPTER 3501: ELECTION PROCEDURE; ELECTION OFFICIALS

3501.03 Notice of elections..... 96
3501.11 Duties of board..... 96
3501.21 Notice of change of precinct; hearing; registrants notified of change of polling place..... 96

CHAPTER 3503: VOTERS—QUALIFICATIONS; REGISTRATION

Section *Page*

3503.12 Facilities for new registrations and changes of registration.... 96

CHAPTER 3505: GENERAL AND SPECIAL ELECTION BALLOTS

3505.13 Contract for printing ballots..... 97

CHAPTER 3507: VOTING MACHINES

3507.16 Issuance of bonds..... 97

CHAPTER 3517: CAMPAIGNS; POLITICAL PARTIES

3517.07 Parties or groups engaged in un-American activities barred from ballot..... 97

CHAPTER 3599: OFFENSES AND PENALTIES

3599.08 Influencing candidates and voters by publication..... 97
3599.09 Political publication must be identified..... 97
3599.22 Printing of ballots..... 98

TITLE XXXVII—HEALTH—SAFETY—MORALS

CHAPTER 3701: DEPARTMENT OF HEALTH

3701.39 Submission of state plan to surgeon general; publicity and public hearing of plan..... 98

CHAPTER 3705: VITAL STATISTICS

3705.20 Registration of unrecorded birth; correction of birth record.... 98

CHAPTER 3709: HEALTH DISTRICTS

3709.21 Orders and regulations of board of general health district..... 99

CHAPTER 3735: STATE BOARD OF HOUSING; METROPOLITAN HOUSING AUTHORITY

3735.12 Purchase, sale, or lease of land by municipal corporation for park purposes; procedure..... 99
3735.36 Plans and specifications; advertisement for bids; award of contract..... 100
3735.44 Planning, zoning, and sanitary laws applicable to housing projects 100
3735.46 Issuance of bonds; sale, validity; bonds negotiable..... 100
3735.52 Powers of public bodies..... 100
3735.55 Resolution granting powers to public bodies; effective immediately..... 101
3735.61 Sale of property..... 101

CHAPTER 3767: NUISANCES

3767.01 Definitions..... 101
3767.09 Tax shall be imposed against owner of property..... 101

CHAPTER 3773: DISORDERLY CONDUCT; SUNDAY PROHIBITIONS

3773.14 Operation or participation in human endurance contests unlawful..... 102

CHAPTER 3781: BUILDING STANDARDS—GENERAL PROVISIONS

Section *Page*

3781.12 Petition to board of building standards for the adoption, amendment, or annulment of a rule or regulation 102

CHAPTER 3901: SUPERINTENDENT OF INSURANCE

3901.07 Examination of insurance companies 102

CHAPTER 3903: LIQUIDATION OF COMPANIES

3903.04 Service upon company 103
3903.20 Assessment against members or subscribers of company 103
3903.21 Proof of claims against insolvent company 103
3903.35 Authority of unsound insurance company revoked 103
3903.38 Sale and distribution of securities of defaulting companies 103
3903.39 Notice to claimants 104

CHAPTER 3905: AGENTS

3905.11 Publication of certificate 104
3905.12 Report of publication by foreign company 104
3905.14 Approval of publication 104
3905.23 Prohibition against business by unauthorized company 105
3905.24 Discontinuance of business by life insurance company 105
3905.25 Discontinuance of insurance company other than life 105
3905.27 Account of fees 105
3905.43 Advertising limitations 106

CHAPTER 3907: DOMESTIC LEGAL RESERVE LIFE INSURANCE COMPANIES

3907.04 Organization of company 106

CHAPTER 3919: MUTUAL PROTECTIVE INSURANCE UPON PERSONS

3919.23 Revocation of authority 106

CHAPTER 3939: MUTUAL PROTECTIVE INSURANCE UPON PROPERTY

3939.10 Reorganization of mutual fire insurance associations as companies 107

CHAPTER 3941: OPERATION OF MUTUAL INSURANCE COMPANIES

3941.03 Amendment of articles 107
3941.18 Petition to have court examine assessment 107

CHAPTER 3945: CREDIT GUARANTY

3945.01 Organization 107

CHAPTER 3949: BOND INVESTMENT COMPANIES

3949.11 Annual statement of companies 108

CHAPTER 3999: CRIMES RELATING TO INSURANCE

3999.08 Misrepresentations in soliciting insurance 108
3999.09 False or malicious statements about insurance company 108
3999.10 Misrepresentation in advertisement by insurance company 108
3999.11 Advertisement at variance with verified statement 108

Title XLI—Labor and Industry

Chapter 4107: Division of Workshops and Factories

Section		*Page*
4107.32	Written report of inspection filed	109

Chapter 4129: Arbitration

4129.05	Notice of time and place for hearing controversy	109

Chapter 4151: Administration of Mining Laws

4151.17	Examinations	109

Title XLIII—Liquor

Chapter 4301: Liquor Control Law

4301.03	The board of liquor control may issue rules and regulations	109
4301.11	Contracts for lease of state liquor stores	110
4301.45	Seizure and sale of conveyance transporting beer or intoxicating liquor illegally	110
4301.52	Seizure and sale of wine or bulk beer by tax commissioner	110

Title XLV—Motor Vehicles—Aeronautics—Watercraft

Chapter 4501: Motor Vehicles—Definitions—General Provisions

4503.26	Lists of registration information	110

Chapter 4585: Actions Relating to Watercraft

4585.10	Notice of sale by officer	111

Title XLVII—Occupations—Professions

Chapter 4709: Barbers

4709.17	Refusal, suspension, or revocation of certificate	111

Chapter 4715: Dentists

4715.01	Definitions	111
4715.18	Practice lawful under individual name only	111
4715.30	License may be revoked or suspended	111

Chapter 4717: Embalmers and Funeral Directors

4717.03	Meetings	112
4717.11	Advertising	112

Chapter 4721: Innkeepers

4721.05	Sale of property	112

Chapter 4735: Real Estate Brokers

4735.18	License may be suspended, revoked, or refused	112

TITLE XLIX—PUBLIC UTILITIES

CHAPTER 4903: PUBLIC UTILITIES COMMISSION—HEARINGS

Section		*Page*
4903.19	Disposition of moneys charged in excess	113

CHAPTER 4905: PUBLIC UTILITIES COMMISSION—GENERAL POWERS

4905.21	Application to commission for abandonment	113
4905.26	Complaints as to service	114

CHAPTER 4909: PUBLIC UTILITIES COMMISSION—FIXATION OF RATES

4909.19	Publication; investigation	114

CHAPTER 4921: MOTOR TRANSPORTATION COMPANIES

4921.09	Application for certificate; notice; hearing	114
4921.13	Death of operator; dissolution of partnership; transfer of certificate	115

CHAPTER 4923: PRIVATE MOTOR CARRIERS

4923.02	Definitions	115
4923.06	Notice of filing of application; contents; new application; hearing	115
4923.09	Death of operator; dissolution of partnership; receiver or trustee may operate; transfer of permit	115

CHAPTER 4957: ELIMINATION OF CROSSINGS

4957.20	Notice of intention to make improvement	116

CHAPTER 4961: SPECIAL POWERS OF RAILROADS

4961.08	Damages for diversion	116
4961.18	Authorization of extension of line	116
4961.32	Procedure for aid, lease, and purchase	116
4961.35	Notice of application	117

CHAPTER 4967: CONSOLIDATION OF RAILROADS

4967.17	Principal office	117

CHAPTER 4969: RAILROAD SALES; RAILROAD RECEIVERS

4969.02	Consent to sale by stockholders	117
4969.13	Receiver must petition for sale	117
4969.15	Notice of sale to be published	117

CHAPTER 4971: REORGANIZATION OF RAILROADS

4971.02	Meeting of creditors; proceedings	118
4971.14	Creditors may agree on capitalization; notice	118

TITLE LI—PUBLIC WELFARE

CHAPTER 5101: DEPARTMENT OF PUBLIC WELFARE—GENERAL PROVISIONS

5101.12	Lease of real estate for oil or gas	118

CHAPTER 5103: DIVISION OF SOCIAL ADMINISTRATION

Section *Page*

5103.17 Advertising; enforcement 118

CHAPTER 5121: WELFARE INSTITUTIONS—GENERALLY

5121.13 Permission from court of common pleas to carry on business.... 119

CHAPTER 5145: PENITENTIARY

5145.18 Regulation of printing at penitentiary and reformatory..... 119

TITLE LIII—REAL PROPERTY

CHAPTER 5301: CONVEYANCES; ENCUMBRANCES

5301.27 Conditional grants or devises of real estate..... 119

CHAPTER 5309: REGISTRATION OF LAND TITLES

5309.12 Parties 119
5309.15 Publication of notice of filing and substance of application..... 120
5309.16 Answer day 121
5309.45 Application for registration on the death of registered owner... 121
5309.46 Title acquired through executor..... 121
5309.66 Optional registration of title to land sold in partition or by assignee or administrator 122
5309.83 Notice of appeal; petition, bond, and transcript..... 122

TITLE LV—ROADS—HIGHWAYS—BRIDGES

CHAPTER 5511: STATE HIGHWAY SYSTEM

5511.01 State highway system..... 122
5511.07 Procedure for vacating highway..... 122

CHAPTER 5513: MATERIALS—PURCHASE; SALE; EXCHANGE

5513.04 Sale of worn out or obsolescent materials..... 122

CHAPTER 5515: STATE HIGHWAYS—USE; OBSTRUCTION

5515.06 Procedure to remove buildings or other obstructions near railroad crossings 123

CHAPTER 5517: PROPOSED PROJECTS—MAINTENANCE REPAIR

5517.02 Estimates; emergency work..... 123

CHAPTER 5519: APPROPRIATION OF PROPERTY

5519.01 Appropriation of property..... 124

CHAPTER 5523: GRADE CROSSINGS

5523.11 Plans of proposed improvement..... 124
5523.12 Judicial inquiry into claims..... 125

CHAPTER 5525: CONSTRUCTION CONTRACTS

5525.01 Advertisement for bids..... 125
5525.17 Failure of contractor or surety to complete work..... 125

CHAPTER 5531: FEDERAL CO-OPERATION

Section *Page*

5531.03 Acceptance of federal funds for elimination of grade crossings.. 126

CHAPTER 5537: TURNPIKE COMMISSION

5537.04 Authority and powers of turnpike commission..... 127
5537.06 Appropriation of property and rights of way..... 127
5537.16 Bylaws, rules, and regulations..... 127

CHAPTER 5543: DUTIES OF COUNTY ENGINEER

5543.10 Construction of sidewalks upon petition; expense..... 128
5543.13 Agreement as to compensation and damages..... 128

CHAPTER 5549: PURCHASE OF MACHINERY AND EQUIPMENT

5549.21 Purchase of machinery, materials, and supplies..... 128

CHAPTER 5553: COUNTY ROADS—ESTABLISHMENT; ALTERATION; VACATION

5553.05 Board shall fix date to view improvement and date for final hearing; notice 129
5553.11 Notice to landowners and nonresidents before hearing claims; service 129
5553.14 View and hearing by joint board; resolution..... 129
5553.18 Determining true line of road; petition..... 130
5553.19 Notice of hearing upon report of county engineer; objections.... 130
5553.23 Petition by owner to change road running through his land; notice 130
5553.41 Petition to obtain road through lands of another..... 130
5553.42 Notice of filing petition to obtain road through lands of another; service 130
5553.43 Application for compensation and damages in proceeding to obtain road through lands of another; award; appeal..... 130

CHAPTER 5555: COUNTY ROAD IMPROVEMENT

5555.07 Copies of surveys, plans, and estimates transmitted to board.... 131
5555.09 Appropriation of property; notice..... 131
5555.27 Hearing objections and claims by joint board; notice..... 132
5555.42 Application to court if equitable assessment cannot be made.... 132
5555.61 Contracts for improvement; notice and letting..... 132
5555.63 Award of contract..... 133
5555.68 Completion of improvement on failure of contractor..... 133
5555.71 Construction by force account; estimate; procedure..... 133

CHAPTER 5557: MUNICIPAL ROAD IMPROVEMENT

5557.03 Copy of surveys, plans, and estimates filed with legislative authority; examination; resolution..... 133

CHAPTER 5559: PLATTED TERRITORY ROAD IMPROVEMENT

5559.06 Copies of plans; notice of hearing; compensation for damage... 134
5559.10 Estimated assessment; notice; hearing..... 134

Section		Page
5559.11	Assessments to be entered on special duplicate; bonds	134
5559.12	Publication of notice for bids	134

CHAPTER 5561: COUNTY ROAD GRADE CROSSINGS

5561.04	Board shall hold public hearing; notice of hearing	135
5561.08	Service of summons and publication	135
5561.14	Grade crossings of state and intercounty highways	136

CHAPTER 5563: APPEALS IN COUNTY ROAD CASES

5563.17	Procedure after judgment establishing improvement	136

CHAPTER 5573: TOWNSHIP ROAD IMPROVEMENT

5573.02	Transmission of surveys; plans, and specifications to board of township trustees; publication of notice; hearing	136
5573.10	Estimated assessment on real estate	136
5573.12	Apportionment between owners of life estate and fee; hearing; appeal	137
5573.13	Township's proportion of costs; payment	137
5573.14	Board of township trustees may issue bonds in anticipation of tax	137
5573.15	Joint improvement by townships; procedure	137
5573.21	Erection of road district outside municipal corporation	137

CHAPTER 5575: MAINTENANCE AND REPAIR—CONTRACT; FORCE ACCOUNT

5575.01	Maintenance and repair of roads by contract or force account	138
5575.02	Publication of notice for bids; award of contract	139
5575.03	Contract shall not be awarded at more than estimated cost; rejection of bids	138
5575.05	New contract for extra work; procedure	138

CHAPTER 5579: GENERAL HIGHWAY PROVISIONS

5579.01	Appropriation of drainage rights or easements	138

CHAPTER 5591: COUNTY BRIDGES

5591.06	Appropriation of property; approaches; damages; vacation of highways	139
5591.07	Resolution to modify or alter bridge; exhibits	139
5591.08	Notice to be served on owners; claims to be filed	139
5591.09	Resolution to determine to proceed	139
5591.12	Proceedings to be the same as in other county roads	139
5591.13	Lands to be purchased or appropriated	139
5591.14	County may issue bonds	140
5591.15	Publication in newspaper	140
5591.27	Bridge to replace one destroyed	140
5591.39	Proceedings when price not agreed upon	140

CHAPTER 5593: BRIDGE COMMISSIONS

5593.09	Power to acquire bridge, land, and rights	140

TITLE LVII—TAXATION

CHAPTER 5703: DEPARTMENT OF TAXATION

Section		*Page*
5703.02	Powers and duties of board of tax appeals	141

CHAPTER 5705: TAX LEVY LAW

5705.19	Resolution relative to tax levy in excess of ten-mill limitation	141
5705.191	Submission of question of levying additional taxes to electors of subdivision other than school district	141
5705.20	Special levy for tuberculosis hospital	142
5705.21	Special levy for school purposes; anticipation notes	142
5705.22	Additional levy for county hospitals	142
5705.23	Special levy for library purposes	143
5705.24	Tax levy for child welfare services; limitations	143
5705.25	Submission of proposed levy; notice of election; form of ballot	143
5705.30	Public inspection of budget; hearing; notice; submission to county auditor	143
5705.40	Amending or supplementing appropriation ordinance; transfer; unencumbered balance; appropriation for contingencies	144
5705.43	Improvements paid by special assessments	144

CHAPTER 5713: ASSESSING REAL ESTATE

5713.01	County auditor shall be assessor; assessment; procedure; employment and compensation of employees	144

CHAPTER 5715: BOARDS OF REVISION

5715.12	Duty to give notice before increasing valuation; service	144
5715.17	Notice that work of equalization completed; county auditor to furnish certificates	144

CHAPTER 5719: COLLECTION OF TAXES

5719.04	Tax list and duplicate of delinquent personal and classified property taxes	145

CHAPTER 5721: DELINQUENT LANDS

5721.01	Definitions	145
5721.02	Collection of delinquent taxes	146
5721.03	Auditor to certify list and duplicate of delinquent lands; contents; publication	146
5721.04	Apportionment of expenses of publishing delinquent tax lists	147
5721.05	Fees for publication of delinquent and forfeited land lists	147
5721.06	Form of notice	147
5721.16	Court to fix a day for the hearing of objections; publication of notice	148
5721.18	Foreclosure proceedings on lien of state	148
5721.19	Finding; appraisement and sale	148

CHAPTER 5723: FORFEITED LANDS

5723.05	Advertisement by county auditor	149
5723.07	Readvertisement of unsold lands	149
5723.10	Form of notice of sale	149
5723.15	Purchasers may have partition	149

CHAPTER 5739: SALES TAX

Section *Page*

5739.02 Levy of tax; purpose; rate; exemptions 149

CHAPTER 5743: CIGARETTE TAX

5743.43 Offering inducements with cigarettes 150

CHAPTER 5915: CIVIL DEFENSE

5915.143 Insignia, who shall wear; destruction of air raid systems; false air raid warning 150

CHAPTER 5917: MILITARY CENSUS

5917.05 Notice of time and place of taking census 150

TITLE LXI—WATER SUPPLY—SANITATION—DITCHES

CHAPTER 6101: CONSERVANCY DISTRICTS

6101.01 Definitions 150
6101.08 Hearing on petition; effect of order establishing conservancy district 150
6101.13 Official plan for district improvements; hearing; approval 150
6101.16 Board of directors may award contact 151
6101.19 Board of directors may make and enforce rules and regulations; noncompliance 151
6101.24 Water rights and uses; power to make regulations and determine rates; determination of basis for assessment of benefits 151
6101.30 Notice of hearing on land excluded from or taken into district .. 151
6101.32 Notice of hearing on appraisals 152
6101.33 Hearing on appraisals; filing exceptions 152
6101.39 Change of official plan 152
6101.42 Subsequent appraisals 152
6101.43 Proceedings not invalid except when defect results in denial of justice 153
6101.49 Payment of assessments 153
6101.50 Board of directors may issue anticipatory bonds 153
6101.54 Petition for readjustment of appraisal of benefits; hearing 153
6101.70 Procedure for union of district 153
6101.72 Annexation of other improvements into a conservancy district .. 154
6101.78 Correction of faulty notice 154
6101.84 Suggested forms 154

CHAPTER 6103: COUNTY WATER SUPPLY SYSTEMS

6103.05 Plan of water supply 157
6103.06 Proceedings 158
6193.10 Contract for construction; modification 158
6103.15 Revised estimate 158
6103.20 Contract to supply water outside district 159

CHAPTER 6115: SANITARY DISTRICTS

6115.07 Notice of hearing on petition; jurisdiction of court 159
6115.16 Official plan for district improvements; hearing; approval 159

Section		Page
6115.20	Board of directors may award contract	159
6115.32	Notice of hearing on land excluded from or taken into district	159
6115.34	Notice of hearing on appraisals	160
6115.35	Hearing on appraisals; filing exceptions	160
6115.54	Petition for readjustment of appraisal of benefits; hearing	160
6115.74	Correction of faulty notice	160
6115.79	Suggested forms	161

CHAPTER 6117: SEWER DISTRICTS; COUNTY SEWERS

6117.06	Plan of sewerage	164
6117.07	Proceedings with construction; resolution	165
6117.15	Fixing day for trial; publication of notice	165
6117.17	Findings of court	165
6117.27	Contract for construction; modifications	165
6117.28	Landowners may petition	165
6117.29	Cost shall include incidental expense	166
6117.32	Revised assessment	166

CHAPTER 6119: REGIONAL WATER AND SEWER DISTRICTS

6119.04	Hearing on petition; procedure	166
6119.09	When action of board is effective; objections; hearing	166
6119.10	Bids required; exception; contract	167
6119.25	Resolution of necessity; publication	167

CHAPTER 6131: SINGLE COUNTY DITCHES

6131.07	Notice of filing the petition	167
6131.09	Applications for change or extension	168
6131.16	Notice of filing of schedules	168
6131.24	County engineer to let contract	169
6131.58	Fees	169

CHAPTER 6137: DITCH MAINTENANCE FUND

6137.03	Hearing on petition	169
6137.05	Use of maintenance fund by board; conditions	169

CHAPTER 6141: CLEANING AND REPAIR OF DITCHES

6141.12	Letting of contracts	170
6141.13	Collection of cost of work	170
6141.14	Appeal from apportionment	170

CHAPTER 6151: WATERCOURSES

6151.02	Appropriation proceedings; notice	171
6151.12	Advertising and letting of work	171

CHAPTER 6153: REMOVAL OF DRIFT

6153.09	Notice to landowners	171
6153.19	Notice of the meeting of the jury; proof of publication and service	171

Appendix A

Page

Provisions of the Constitution of the United States..... 172
Provisions of the Constitution of Ohio..... 172
Rules of Measurement for Public Notices in Ohio..... 172
Attorney General's Opinion and Court Decisions..... 173
Attorney General's Opinion—Proof of Publication..... 174
Department of Taxation Definition of a Newspaper As It Relates to the Ohio Sales Tax..... 174

Appendix B

Digest of Ohio Public Notice Statutes Used Most Frequently.... 176

INTRODUCTION

An unavoidable weakness in any compilation of laws or related material is that it soon gets out of date. The only remedy for this is to issue occasional supplements to bring the material up to date or, periodically, to undertake a complete revision which, in turn, is destined to become outdated.

It was so with Newspaper Laws of Ohio which was first published in 1937 and for which, in an effort to keep it reasonably up to date, several supplements were issued in succeeding years. This venture, incidentally, was the third of its kind undertaken in Ohio and one of the most complete in any of the states. The day to day experience with it on the part of the newspaper business departments, public officials, attorneys and others proved it an invaluable and necessary tool in Ohio newspaper publishing. This was particularly true in regard to Public Notices which are of primary importance alike to the individual citizen, to business and to the body politic.

Complete Overhaul Needed

For some years ways and means had been sought to make possible a complete revision of the original work. The completion of the enormous task of recodifying the entire Ohio Code made this time particularly propitious. A grant toward the overall purpose, allocated several years earlier through the Ohio State University Development Fund, made possible a long step toward providing the painstaking labor necessary to comb the newly revised code thoroughly, and concerted action and effort on the part of the Ohio Newspaper Association contributed largely to bringing the present project to final fruition. This was particularly true in regard to such matters as the preparation of the final manuscript, the checking and cross-checking of the index and the ready-reference chart, and of the various appendices which were thought necessary to give a proper picture of Ohio laws relating to newspaper publishing, with special emphasis on publication in terms of Public Notice.

Like the earlier one, the present project is a joint one between the School of Journalism, Ohio State University, and the Ohio Newspaper Association representing appropriately all of the recognized newspaper publishing interests of the state. In essence the undertaking, like its predecessor, is a public service intended for the use of newspaper publishers and their business offices and is designed to make it possible to carry out those provisions enacted by the General Assembly in the interests of the public or of the individual citizen, especially in regard to their being put on proper public notice. It is, in effect, however, a completely new treatment of the material rather than revision.

Forms of Public Notice

That form of Public Notice more commonly known as legal advertising is sometimes mandatory and sometimes permissive. It is sometimes only one of several forms of Public Notice that may be used. Where notice by publication is required or otherwise provided for, it is important to the publisher but it should always be remembered that it is vastly more important to the public whose rights are better safeguarded in consequence of such publication.

While this entirely new edition of the older work goes into considerably

greater detail in some respects than its predecessor and in some ways is more inclusive than the earlier edition, it is still no substitute for the Revised Code itself. It is, rather, a guide or handbook for the guidance of newspaper publishers, public officials, attorneys and others concerned with such matters. Pains have been taken to give other references and cross-references to the pertinent matter in the Code. In cases of doubt or where the complete language of the law is desired, recourse should be had to one of the standard Codes available, including pertinent annotations.

In a composite work of this kind the proper credit and appreciation are necessarily shared by many persons for whom, in all gratitude, it is not possible to spell out in detail in the space available the particular measure of credit due to each. The sponsors are very grateful to Ivan Brychta, a graduate in and practitioner of law in his native Czechoslovakia, and a graduate student in law and political science in The Ohio State University. The initial task of combing the entire Revised Code, amounting to some 5,000,000 words, was his alone. To this exacting job he applied himself all told for more than a year with great patience and industry that went far beyond the letter of his contract.

Many Gave Help

Others who merit special mention for their help in one way or another in making the end result possible include the following:

The Ohio Newspaper Association—especially for underwriting the cost of the actual publication—and the special O.N.A. Committee, of which the newspaper members were Raymond C. Dix, of the Wooster *Record;* Gardner Townsley, of the *Western Star,* Lebanon; and President Orrin R. Taylor, of the Archbold *Buckeye.*

Office of the Attorney General—Attorney General C. William O'Neill, and his first assistant, Robert E. Leach, and Charles S. Mechem, Jr., special assistant.

Office of the Auditor of State—Mrs. Phoebe Parker.

Counsel for the O.N.A.—Paul R. Gingher, general counsel, and his associate, Carl R. Johnson.

Headquarters office, O.N.A.—William J. Oertel, assistant to the executive director; Mrs. Geneva L. Lucas, assistant to the executive director and office manager; and Miss Mary C. Riley and Mrs. Thelma L. Hunter, of the office staff.

The Ohio State University Development Fund—Kenyon S. Campbell, field director, and the Allocations Committee.

The scheme of organization of the material in this handbook should be self-evident since, in the main, it follows exactly the pattern of the Revised Code itself. For convenience there is a double index, one alphabetically by subject matter, and one numerically by section numbers. It is believed that the special digest of statutes controlling legal advertising, included among the appendices, will be found to be more complete and in somewhat more convenient form than the corresponding digest or "chart" in the earlier edition.

Special Section on Libel

The explanatory section on libel (pp. 81-85) was prepared by Mr. Gingher's office. It, too, is in somewhat different form from the treatment in the first edition but it is believed to cover all of the essentials, in terms of Ohio law, of a matter which is a perpetual and unavoidable hazard in the publishing business. To offset the threat of this hazard, publishers may take considerable comfort in the free press provisions of the United States and Ohio Constitutions. For convenient reference, these provisions, including the First, Fifth and Fourteenth Amendments to the former, are also included.

In the main, the provisions of the Ohio law relating to newspaper publishing and Public Notice are probably not greatly different, certainly in principle, from those of other representative states. On the whole, experience has shown them to be equitable and workable. They will be fair and practical in use and application to the extent that publishers and public officials see that they are carried out within the reasonable meaning of the law.

Finally, by its very nature any compilation of this kind is bound to have its imperfections and shortcomings. Every effort has been made, however, to make it as accurate as possible. In this attempt all of the recognized standard codes have been consulted and cross-checked freely. It should be repeated, however, that in case of doubt reference should be made to the complete code or specific questions should be addressed to the O.N.A. headquarters office where every effort will be made to get the proper answer promptly.

For permission to cite certain illustrative annotations from their respective publications, grateful acknowledgment is hereby made to the Banks-Baldwin Co., Cleveland, publishers of Baldwin's Code, and to the W. H. Anderson Co., Cincinnati, publishers of Page's Ohio Digest.

James E. Pollard, *Director*
School of Journalism
Ohio State University

Ed M. Martin, *Executive Director*
Ohio Newspaper Association

Columbus, Ohio
September 30, 1954

OHIO STATUTES

GENERAL PROVISIONS

CHAPTER 5: STATE INSIGNIA: SEALS, HOLIDAYS

5.41—Financial institutions permitted to remain closed on Saturdays, and certain week days; notice required.

Any bank under the supervision of the division of banks, national bank, federal reserve bank, building and loan association, savings association, federal savings and loan association incorporated pursuant to the "Home Owner's Loan Act of 1933," federal home loan bank, or any branch of any of the foregoing financial institutions may remain closed on any certain week day designated by the board of directors of such financial institution. Not less than fifteen nor more than thirty days before closing on said certain week day, such financial institution shall post a notice in a conspicuous place in the lobby of its principal office and the lobby of each branch affected by such week day closing stating that on and after a day certain and until further notice given in like manner such financial institution will remain closed on a certain week day. Concurrently with the posting of said notice, such financial institution shall publish a notice once a week for two consecutive weeks in a newspaper of general circulation in the county in which such financial institution or a branch thereof and affected thereby is located. Such notice shall set forth the week day on which such financial institution or branch thereof will remain closed and the date when said closing becomes effective. Such publication or posting of a notice shall not be required of financial institutions which have, prior to January 1, 1953, closed on a certain week day * * * *

CHAPTER 7: PROCESS, PUBLICATION

7.01—Process.

Process shall be under the seal of the court from which it issues, shall be styled "The State of Ohio, ...County," shall be signed by the clerk of such court, and shall bear the date of the day it actually is issued.

7.10—Rates for legal advertising; definition of square.

For the publication of advertisements, notices and proclamations required to be published by a public officer of the state, county, municipal corporation, township, school, benevolent or other public institution, or by a trustee, assignee, executor, or administrator, or by or in any court of record, except when the rate is otherwise fixed by law, publishers of newspapers may charge for the first insertion one dollar and fifty cents for each square, and for each additional insertion, authorized by law or by the person ordering the insertion, seventy-five cents for each square.

Fractional squares shall be estimated at a like rate for space occupied. In advertisements containing tabular or rule work, fifty per cent may be charged in addition to the foregoing rates. Newspapers having a circulation of over twenty-five thousand shall charge and receive for such advertisements,

notices and proclamations rates charged on annual contracts by them for a like amount of space to other advertisers who advertise in its general display advertising columns. The publisher shall make and file with his bill before its payment an affidavit that the newspaper had a bona fide circulation of more than twenty-five thousand at the time the advertisement, notice or proclamation was published, and that the price charged in the bill did not exceed the rates provided in this section for such advertisements, notice or proclamation.

As used in this section, a square is a space occupied by two hundred forty ems of the type used in printing such advertisements. Legal advertising shall be set in a compact form, without unnecessary spaces, blanks, or headlines, and printed in type not smaller than nonpareil. The type used must be of such proportions that the body of the capital letter M is no wider than it is high and all other letters and characters are in proportion.

Except as may be done under section 2701.09 of the Revised Code, all legal advertisements or notices shall be printed in newspapers published in the English language only.

This statute fixes the maximum rate, but no minimum rate. Hence it is practicable to contract for a much lower rate than the maximum. McCormick v. Niles, 81 O.S. 246 (1909).

The rates prescribed by section 7.10, are maximum rates only, and a city through its public offices may enter into a contract with the publisher of a newspaper therein for the publication of the financial report of the chief fiscal officer of such city, at rates less than those provided for by Section 7.10, and in such case the publisher of the newspaper publishing such report is entitled to recover only the amount provided for in said contract. 1928 OAG 2162.

7.11—Notices, proclamations, and orders to be published in two newspapers.

A proclamation for an election, an order fixing the time of holding court, notice of the rates of taxation, bridge and pike notices, notice to contractors, and such other advertisements of general interest to the taxpayers as the county auditor, county treasurer, probate judge, or board of county commissioners deems proper shall be published in two newspapers of opposite politics of general circulation as defined in section 5721.01 of the Revised Code at the county seat if there are such newspapers published thereat. If there are not two newspapers of opposite politics and of general circulation published in said county seat, such publication shall be made in one newspaper published in said county seat and in any other newspaper of general circulation in said county as defined in section 5721.01 of the Revised Code, wherever published, without regard to the politics of such other newspaper. In counties having cities of eight thousand inhabitants or more, not the county seat of such counties, additional publications of such notice shall be made in two newspapers of opposite politics and of general circulation in such city as defined in such section. For purposes of this section, a newspaper independent in politics is a newspaper of opposite politics to a newspaper of designated political affiliation. Sections 7.10 to 7.13, inclusive, of the Revised Code do not apply to the publication of notices of delinquent and forfeited land sales.

7.12—Newspapers qualified for publication of legal notices; office of publication.

Whenever any legal publication is required by law to be made in a newspaper published or printed in a municipal corporation, county, or other political subdivision, the newspaper used shall have at least one side printed in such municipal corporation, county, or other political subdivision; and whenever any legal publication is required by law to be made in a newspaper of general circulation in a municipal corporation, county or other political subdivision, without further restriction or limitation upon a selection of the newspaper to be used, such publication shall be made in a newspaper at least one side of which is printed in such municipal corporation, county, or other political subdivision, unless there is no such newspaper so printed, in which event, such publication shall be made in any newspaper of general circulation therein. If there are

less than two newspapers published and printed in any municipal corporation, county, or other political subdivision in the manner defined by this section, then any legal publication required by law to be made in a newspaper published or printed in a municipal corporation, county, or other political subdivision may be made in any newspaper regularly issued at stated intervals from a known office of publication located within the municipal corporation, county or other political subdivision. As used in this section a known office of publication is a public office where the business of the newspaper is transacted during the usual business hours, and such office shall be shown by the publication itself.

A change in ownership and a suspension of publication for a period of approximately two months does not cause a newspaper to lose its character as a "newspaper of general circulation" as that phrase is defined in this section and section 5721.03, Revised Code. 1946 OAG No. 824.

7.13—Expense of publishing certain notices allowed as costs.

The publication of an advertisement, notice, or proclamation, required by law to be published in a newspaper by a trustee, assignee, executor, administrator, receiver, or other officer of the court or a party in a case or proceeding, shall be approved by the court or clerk thereof and allowed as a part of the costs in the case or proceeding.

7.14—Publication in newspapers other than those named in statute.

When it is provided by statute that a notice shall be published in a newspaper and no such newspaper is published in the county or other place mentioned, or if it is published there and, on tender of his usual charge for a similar notice, the publisher refuses to insert it in his newspaper, then a publication in a newspaper of general circulation in the county or other place mentioned is sufficient.

7.15—Deposit required for service by publication; return of deposit.

In any action brought in any court, other than the probate court, in which service by publication is made, the party causing such publication to be made shall deposit with the clerk or other proper officer of such court an amount of money as determined by the clerk to be sufficient to cover the cost of such publication, and the clerk may pay from such deposit the cost of such publication upon its completion and the filing of proof of publication. If court costs are taxed against a party to such action, other than the party making such deposit, the clerk or other proper officer may, upon the payment of such costs, return said deposit to the party who made it.

CHAPTER 9: MISCELLANEOUS

9.25—Purchase of surplus commodities.

Whenever the superintendent of purchases and printing or the director of highways finds that personal property can be obtained from the federal government at prices less than would be obtained by taking bids as provided by law for the purchase from private persons, said superintendent or said director may purchase, lease, or obtain the use of said property directly from the federal government without the necessity of advertising to obtain bids, without notice, and upon such formalities and such terms as are provided by the federal government * * * *

TITLE I—STATE GOVERNMENT

CHAPTER 101: GENERAL ASSEMBLY

101.47—Deposition on complaint.

> [Anyone may request the House of Representatives to investigate any official liable to impeachment. For this purpose the person making the complaint may take depositions of witnesses to gather the needed material. The official complained of is to be given notice as under sections 2319.15 to 2319.17, inclusive, and such notice may be left at his place of residence in Ohio.]

* * * * If he has no known place of residence in the state, such notice may be published in a newspaper printed in the county of the state where he last resided, for three consecutive weeks next preceding the time of taking the depositions.

101.71—Employer of lobbyist must register.

> [Requires that those persons or firms who employ agents to influence the legislative process, must file, with the secretary of state, information identifying the persons so involved, and the nature of the legislation to be affected.]

* * * * This section does not apply to a bona fide newspaper, journal or magazine, or a bona fide news bureau or association which furnishes information solely to bona fide newspapers, journals, or magazines, in employing correspondents to furnish information or news for publication only.

101.72—Certificates required.

> [Prohibits the appearance before any committee of the legislature of any person who is gainfully engaged to affect the legislative process in the purview of the next preceding section.]

* * * * This section does not apply to the furnishing of information or news to any bona fide newspaper, journal, or magazine for publication, or to any news bureau or association which furnishes information or news only to bona fide newspapers, journals, or magazines for publication. This section does not apply to any person who appears in response to a written invitation from the general assembly or either house thereof, or from any appointed committee of such general assembly or either house thereof.

101.76—No person shall be employed on a contingent basis.

No person, firm, corporation, or association shall be employed with respect to any matter pending or that might legally come before the general assembly or either house thereof, or before a committee of the general assembly or either house thereof, for a compensation dependent in any manner upon the passage, defeat, or amendment of any such matter, or upon any other contingency in connection therewith.

CHAPTER 107: GOVERNOR

107.09—Publication of decennial apportionment.

Immediately after the determination of each decennial apportionment for members of the general assembly the governor shall cause such apportionment to be published for four consecutive weeks in three newspapers, one in Cincinnati, one in Cleveland, and one in Columbus.

CHAPTER 109: ATTORNEY GENERAL

109.18—Service by publication.

If a writ or mesne process in proceedings in quo warranto is returned "not found" by the sheriff of the county in which the company is authorized by law to have its place of business, the clerk of the court in which the information or other proceeding is filed shall issue a notice of the filing and substance thereof, and cause it to be published once a weeek for six consecutive weeks in a newspaper printed and of general circulation in the county wherein such company is authorized to have its place of business. An affidavit of the publication together with a copy of the notice shall be filed in the office of the clerk * * * *

CHAPTER 117: BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES

117.19—Forfeiture for failure to publish financial report.

On or before the thirty-first day of March annually, the chief fiscal officer of each political subdivision or taxing district of each county shall prepare a financial report for the preceding fiscal year, in such form as will comply with the requirements of the bureau of inspection and supervision of public offices, and shall publish such report in a newspaper published in the political subdivision or taxing district and, if there is no such newspaper, then in a newspaper of general circulation in the political subdivision or taxing district * * * *

A paper published by the student body for the public schools of a county school district, containing news strictly pertaining to the activities of the county schools, is not a "newspaper" in the sense that the word is used in this section. 1928 OAG 1864.

The annual financial report made by the fiscal officer of municipality should be published in a newspaper and the penalty provided may be exacted from the fiscal officer for failure to so publish. 1928 OAG 1831.

A municipality, by virtue of the home rule provisions of the Constitution, may provide for the publication of financial reports in any manner it sees fit in addition to the publication of the financial report made by the fiscal officers as provided by this section. 1928 OAG 1831.

CHAPTER 119: ADMINISTRATIVE PROCEDURE

119.03—Procedure for adoption, amendment, or rescission of rules.

In the adoption, amendment, or rescission of any rule an agency shall comply with the following procedure:

(A) Reasonable public notice shall be given at least thirty days prior to the date set for a hearing, in such manner and form and for such length of time as the agency determines * * * *

In addition to such public notice, the agency may give whatever other notice it deems necessary. Each agency shall adopt a rule setting forth in detail the method which such agency shall follow in giving public notice as to the adoption, amendment, or rescission of rules.

119.07—Notice of hearing; contents; notice of order of suspension of license; publication of notice; effect of failure to give notice.

Except when a statute prescribes a notice and the persons to whom it shall be given, in all cases in which section 119.06 of the Revised Code requires an agency to afford an opportunity for a hearing prior to the issuance of an order, the agency shall give notice to the party informing him of his right to a hearing. Such notice shall be given by registered mail * * * *

When any notice required by sections 119.01 to 119.13, inclusive, of the

Revised Code, to be sent by registered mail, is returned because of inability to deliver, the notice required shall be published once a week for three consecutive weeks in a newspaper of general circulation in the county where the last known place of residence or business of the party is located. A copy of the newspaper, with the first publication of said notice marked, shall be mailed to the party at such address and the notice shall be deemed received as of the date of the last publication * * * *

CHAPTER 123: DEPARTMENT OF PUBLIC WORKS

123.15—Authority to contract.

The director of public works may enter into contracts with proper persons for the performance of labor, the furnishing of materials, or the construction of any structures and buildings necessary to the maintenance, control, and management of the public works of the state, or any part thereof * * * *

Except in cases of extreme public exigency or emergency, and when the cost of any proposed improvement or repair exceeds five hundred dollars, the director shall give notice in a newspaper of general circulation in or contiguous to the county where the contract is to be let and where the work is to be done, and he may also advertise in such trade journals as will afford full information to the public of the terms of the contract and the nature of the work to be performed and the character of materials required, together with the time of the letting and place and manner of receiving proposals * * * *

123.23—Copy of certificate delivered to owner.

[This provision is a part of the law which authorizes the director of public works to take, in an exigency, possession of privately owned lands and other property, necessary to maintain the public works. If agreement about compensation for such a requisition cannot be reached, then the director of public works writes out a certificate identifying the property, the amount offered for compensation and other relevant data. This certificate is to be delivered to the owner of the acquired property, as a basis of a possible appeal to court. Section 123.23 then provides:]

* * * * If the owner or guardian is not a resident of the state, or his place of business is unknown, notice may be given to him by the publication of the certificate for four consecutive weeks in a newspaper of general circulation in the county in which the property is situated * * * *

123.31—Notice of proceedings.

[This section is a part of the law authorizing the appropriation of property by the director of public works in cases other than public exigency. The director writes out a certificate and delivers it in the same manner as prescribed in Section 123.23. This includes the possibility of notice by a newspaper. If the owner objects he has recourse to a court. At the time the judge issues a venire to summon a jury, the owner is to be notified. Section 123.31 then provides:]

* * * * Such notice shall contain a description of the property, the name of the owners, if they are known, and the time and place of the trial in the probate court. The sheriff shall serve the notice and make return thereof as in other cases. If an owner of property is a nonresident of the state, or if he is unknown, publication of such notice shall be made in a newspaper published in the county at least thirty days next preceding the commencement of the trial * * * *

123.64—Rights of occupants or persons claiming ownership may be forfeited.

[This provision is a part of the law dealing with the leases of state owned lands to individuals.]

* * * * The director of public works shall give a public notice by advertisement published for at least two consecutive weeks in some newspaper printed and generally circulated in the county where such land is situated that he will lease such property upon the terms provided for in such sections, and he may, subject to the conditions of such sections, so lease said land on the day so named in such notice, or any other day thereafter * * * *

123.68—Land may be sold.

Any land belonging to the state, * * * that cannot be leased so as to yield six per cent on the valuation thereof, * * * may be sold * * * Such land shall be offered for sale at public vendue, after at least thirty days' notice given by publication in two papers of opposite politics of general circulation in such county * * * *

CHAPTER 125: DEPARTMENT OF FINANCE

125.33—Notice for proposals to furnish paper.

[This section is a part of the law dealing with public printing and the supervision of such printing by the department of finance. Among other things, the department also ascertains and fixes the amount and grades of all paper necessary for the use of the legislature and other offices of the state. Section 125.33 then provides as follows:]

When the amount and grades of paper are ascertained and fixed as provided in section 125.32 of the Revised Code, the department of finance shall give notice weekly for four consecutive weeks, in at least three daily newspapers printed and of general circulation in the state, immediately preceding the second Monday of September, that sealed proposals for furnishing such paper will be received at the office of the department until twelve noon, on the second Monday of September following * * * *

125.35—Department may reject bids.

The department of finance may reject any or all bids, if in its opinion the bids are above what would be the average market value of such paper during the year for which the contract would be let. If any or all bids are rejected, the department may readvertise in the manner provided by section 125.33 of the Revised Code, for two weeks, for proposals to furnish such paper * * * *

125.39—Forfeiture of bond.

* * * * If the contractor fails to furnish the paper according to the terms of his contract, the department shall advertise and relet such contract, and may purchase the paper necessary for the use of the state until the contract is let.

125.47—Classes of state printing.

[This section provides for six classes of printing, each class to be let in separate contracts. The state department of finance shall give notice of bids as provided in 125.48. Additional information on state printing is also available from the department of finance.]

A corporation in which a principal stockholder is a member of the General Assembly or an agent of the Auditor of State, may not enter into a contract to perform state printing. 1951 OAG 924.

A pamphlet within meaning of this section is a printed booklet consisting of more than two leaves of four pages, stitched or otherwise bound together, and generally speaking it is a printed booklet consisting of four or more leaves or eight or more pages, stitched or otherwise bound together. 1941 OAG 3556.

A printer who has a contract for the printing of fourth-class matter for the state of Ohio, may not be paid for press work on the basis of single copies of the matter of fourth-class to be printed, although the sheets furnished him by the proper offices of the state are of a size sufficient for him to print a number of copies on a single sheet at one impression. 1935 OAG 4358.

Charges may not be made by printers of the various classes of state printing for extra work such as alterations, makeup, lockup, binding, type rental, etc. 1935 OAG 4358.

125.48—Notice for proposals for state printing.

Biennially, between the first day of June and the first day of August, the department of finance shall give notice for at least thirty days in two or more newspapers printed in the city of Columbus, and in two newspapers in each of the cities of Cleveland and Cincinnati that sealed proposals will be received at its office for executing the several classes of public printing in separate contracts, for the term of two years from the first Monday of November next ensuing. The department shall state in the notice the time within which the printing included in the several classes, except the first and fourth classes, shall be completed after the manuscript therefor has been received by the contractor.

125.52—First rejection of bids.

If the department of finance is of the opinion that there was collusion between the bidders or that the lowest bids are too high, it may reject any or all bids and readvertise for two weeks for proposals for executing in the manner provided in sections 125.48 to 125.51, inclusive, of the Revised Code, the classes of printing not awarded * * * *

CHAPTER 129: BOARD OF COMMISSIONERS OF SINKING FUND

129.10—Bank at which interest shall be paid.

[This section has to do with the bonded debt of the state, and the interest collected by the creditors, i.e., the owners of the bonds. The section provides for the method of paying such interest, including a public notice, as follows:]

Previous to the first day of January and July of each year, the board of commissioners of the sinking fund shall arrange with a reliable banking house as the place where the annual interest on the bonded debt of the state shall be paid. Not more than thirty days prior to the first day of January and July of each year, the board shall convey to such banking house a sufficient amount of money to pay the principal and interest on such bonded debt. For fifteen days before the day of payment of such interest, the board shall give notice of the place of payment by publication in at least one newspaper of general circulation at the seat of government, and by such other means as it deems proper * * * *

129.18—Certificates of bonded debt; disposal.

When it becomes necessary to issue certificates of the bonded debt of the state, they shall be offered for sale by the board of commissioners of the sinking fund. The board shall advertise for bids or proposals for the taking of such certificates in at least two newspapers of general circulation at the seat of government, for at least sixty days next preceding the taking and closing of bids or proposals for taking such certificates * * * *

CHAPTER 133: UNIFORM BOND LAW

133.11—Election; publication of notice; contents.

[According to section 133.09, the taxing authority of any subdivision may submit to the electors of such subdivision the question of issuing any bonds which said subdivision has power to issue. Relative to this procedure, the instant section provides:]

* * * * Notice of the election shall be published in one or more newspapers of general circulation in the subdivision once a week for four consecutive weeks prior to the election. Such notice shall state the amount of the proposed bond issue, the purpose for which such bonds are to be issued, the maximum number of years during which bonds shall run, and the estimated average additional tax rate, expressed in dollars and cents for each one hundred dollars of valuation as well as in mills for each one dollar of valuation, outside the limitation imposed by Section 2 of Article XII, Ohio Constitution, as certified by the county auditor.

133.18—Submission of question of issuing bonds for permanent improvements to electors of school district.

[The board of education of any school district may issue bonds to acquire money to construct establishments for its purposes. With it there may go a special tax levy to furnish the means to pay the interest. To answer the question for or against such measures, an election is necessary.]

* * * * Publication of notice of such election must be made in one or more newspapers of general circulation in the county once a week for four consecutive weeks * * * *

133.35—Private sale of notes or bonds; notice and procedure.

If the notes or bonds are rejected by the officers mentioned in section 133.34 of the Revised Code, then notes having a maturity of one year or less may be sold at private sale at not less than par and accrued interest, and all bonds and notes having a maturity of more than one year shall be sold to the highest bidder, after being advertised once a week for three consecutive weeks on the same day of the week. The first advertisement shall be published at least twenty-one full days before the date of sale in a newspaper having general circulation in the county where the bonds are issued. The advertisement shall state the total amount of bonds or notes and interest thereon to be sold, how long they are to run, the rate of interest to be paid thereon, the dates of payment of interest, the purpose of the issue, and the day, hour, and place in the county where they are to be sold. A similar advertisement may also be published in recognized financial journals * * * *

CHAPTER 135: DEPOSITORIES

135.07—Estimate of deposits; resolution; publication; active and inactive deposits.

[The following provision is a part of the law which prescribes procedure for public agencies to deposit the moneys collected by them, with some banks, trust companies, or other institutions.]

Each governing board shall, at least three weeks prior to the date when it is required by section 135.11 of the Revised Code to designate public depositories, by resolution, estimate the aggregate maximum amount of public funds subject to its control to be awarded and be on deposit as inactive deposits. The governing board of each subdivision shall cause a copy of such resolution, together with a notice of the date on which the meeting of the board for the designation of such depositories will be held and the period for which such

inactive deposits will be awarded, to be published once a week for two consecutive weeks in two newspapers of opposite politics and of general circulation in the county. If a subdivision is located in more than one county, such publication shall be made in newspapers published in the county in which the major part of such subdivision is located, and of general circulation in the subdivision * * * *

135.16—Deposits in a public depository; designation of trustee.

[Procedure if public depository fails to pay any part of the public deposit. Bonds and other securities deposited by the depository as required by law shall be sold by the treasurer.]

* * * * Thirty days' notice of such sale shall be given in a newspaper of general circulation at Columbus, in the case of the treasurer of state, and at the county seat of the county in which the office of the treasurer is located in the case of any other treasurer * * * *

CHAPTER 153: BUILDINGS

[The following sections prescribe notice by newspaper publication in proceedings relative to the erection, alteration, or improvement of public buildings.]

153.06—Form of proposals.

After the proceedings required by sections 153.01 and 153.04 of the Revised Code have been complied with, the owner referred to in section 153.01 of the Revised Code shall give public notice of the time and place when and where proposals will be received for performing the labor and furnishing the materials of such construction, improvement, alteration, addition or installation * * * *

153.07—Publication of notice; plans and specifications open to public inspection.

The notice provided for in section 153.06 of the Revised Code shall be published once each week for four consecutive weeks, the last publication to be at least eight days preceding the day for opening the bids, in such newspaper and in such form and with such phraseology as the department of public works orders * * * *

153.32—Contracts for erection and repair of superstructures.

When it becomes necessary to erect a bridge, the board of county commissioners shall determine the length and width of the superstructure, and whether it shall be single or double track, and shall advertise for proposals for performing the labor and furnishing the materials necessary to the erection thereof * * * *

153.40—Advertisements for proposals.

When plans, drawings, representations, bills of material, specifications, and estimates are made and approved as provided in sections 153.21 to 153.39, inclusive, of the Revised Code, the board of county commissioners shall give public notice in two of the principal newspapers in the county having the largest circulation therein, of the time when and the place where sealed proposals will be received for performing the labor and furnishing the materials necessary to the erection of the building, bridge, or bridge structure, or the addition to or alteration thereof, and a contract based on such proposals will be awarded. If there is only one newspaper published in the county, it shall be published in such newspaper. The notice shall be published weekly for four consecutive weeks next preceding the day named for making the contract, and state when and where such plans, descriptions, bills, and specifications can be seen * * * *

153.42—Private contract.

When the estimated cost of a public building, bridge, or bridge substructure, or of making an addition thereto or repair thereof, does not exceed one thousand dollars, it may be let at private contract without publication or notice.

TITLE III: COUNTIES

CHAPTER 301: ORGANIZATION

301.02—Notice of intention to present petition.

Previous to the presentation of a petition to the general assembly praying that a new county be erected, or for the location or relocation of a county seat, notice of the intention to present such petition shall be given, at least thirty days before the ensuing session of the general assembly, by advertisement in a newspaper printed in each county from which such new county is intended to be taken. If no paper is printed within the county, notice shall be given by advertisement affixed to the door of the house where courts are held for such county, for such period of thirty days. The notice shall set forth the boundary lines of the new county, or the place where it is proposed to locate such county seat.

301.15—Selection of seat of justice.

[When a new county is established, the governor in conjunction with the senate appoints three impartial commissioners to select the seat of justice for the new county. The instant section provides in this connection:]

Within sixty days after their appointment, the commissioners * * * shall assemble at some convenient place in the new county. Twenty days' notice of the time, place, and purpose of such meeting shall be given by publication in a newspaper printed or circulated in such county, or by being posted in three of the most public places in such county * * * *

CHAPTER 303: COUNTY RURAL ZONING

303.06—Public hearing on recommendations; notice.

Before submitting its recommendations of a zoning plan to the board of county commissioners, the county rural zoning commission shall hold at least one public hearing in each township affected by the proposed zoning plan, notice of which shall be given by one publication in one or more newspapers of general circulation in the township at least thirty days before the date of such hearing. The notice shall state the place and time at which the text and maps of the zoning resolution may be examined.

303.08—Public hearing on zoning plan.

After receiving the certification of a zoning plan from the county rural zoning commission, and before adoption of any such zoning resolution, the board of county commissioners shall hold a public hearing on the resolution, at least thirty days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the county.

CHAPTER 307: BOARD OF COUNTY COMMISSIONERS—POWERS

307.07—Notice of intended purchase or improvement; public comfort station.

Before the board of county commissioners purchases lands to erect a building or bridge, the expense of which exceeds one thousand dollars, it shall publish and circulate handbills and publish in one or more newspapers of the county notice of its intention to make such purchase, erect such building or bridge, and the location thereof, for at least four consecutive weeks prior to the time such purchase, building, or location is made. If the county has land or buildings on, or under which a public comfort station can be erected or installed, the publication of such handbills and in newspapers is not necessary * * * *

307.10—Procedure in sale of real estate; deed made; duties of board of county commissioners.

No sale of real estate, as provided by section 307.09 of the Revised Code, shall be made unless it is authorized by a resolution adopted by a majority of the board of county commissioners. When such sale is authorized a deed shall be made by the board to the highest responsible bidder, after advertisement once a week for four consecutive weeks in a newspaper of general circulation within such county. The board may reject any bids and readvertise until all such real estate is sold * * * *

307.12—Sale of personal property by county.

When the board of county commissioners finds, by resolution, that the county has personal property, including motor vehicles required for the use of county officers and departments, and road machinery, equipment, and tools, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, the board may sell such property at public auction, for cash, to the highest bidder, after giving at least ten days' notice of the time and place of sale by posting a typewritten or printed notice in the offices of the county auditor and board. In case the fair market value of the property to be sold is, in the opinion of the board, in excess of two hundred dollars, notice of the time and place of the sale shall be published in a newspaper of general circulation in the county at least ten days prior to such sale * * * *

Where the board advertises for bids for the sale of new vehicles, equipment, or machinery to the county, it may include in the same advertisement a notice of the willingness of such board to accept bids for the purchase of county owned vehicles, equipment, or machinery which is obsolete or not needed for public use * * * *

307.71—Copies of county newspapers to be bound and filed.

The board of county commissioners shall subscribe for one copy of the leading newspapers of each political party, printed and published in its county, and cause them to be bound and filed in the county auditor's office as public archives, for the gratuitous inspection of the citizens of such county. All such newspapers shall be kept on file for a period of at least ten years, after which time they may be transferred by the board to the custody of the Ohio State Archaeological and Historical Society on such terms as are agreed upon by such board and the trustees of the society.

CHAPTER 313: CORONER

313.14—Notice to relatives; disposition of property.

The coroner shall notify any known relatives of a deceased person who meets death in the manner described by sections 313.11 and 313.12 of the Revised Code by letter or otherwise * * * If relatives of the deceased are

unknown, the coroner shall advertise the fact of the death and a statement of the cause of death once in a newspaper of general circulation in the county. The coroner shall take charge and possession of all moneys, clothing, and other valuable effects of such deceased person * * * Such effects shall be sold within eighteen months after the burial or delivery of such body, in accordance with section 1713.34 of the Revised Code. All moneys derived from such sale shall be deposited in the county treasury. A notice of such sale must be given in one newspaper of general circulation in the county, for five days in succession, and the sale shall be held immediately thereafter. The cost of such advertisement and notices shall be paid by the board upon the submission of a verified statement therefor, certified to the coroner * * * *

CHAPTER 315: ENGINEER

315.30—Notice of taking depositions.

Previous to taking depositions as provided by section 315.29 of the Revised Code, at least twenty days' notice shall be given to the owner, his agent or attorney, if known, who has adjoining lands. If such owner, agent, or attorney is not known, or resides out of this state, the applicant shall give notice of his intention to take depositions at a certain time and place, by advertisement for six consecutive weeks, in a public newspaper printed in the county where the land lies * * * *

CHAPTER 317: RECORDER

317.20—Sectional indexes.

When in the opinion of the board of county commissioners sectional indexes are needed, and it so directs, in addition to the alphabetical indexes provided for in section 317.18 of the Revised Code, the board may provide for making, in books prepared for that purpose, sectional indexes to the records of all real estate in the county, beginning with some designated year and continuing through such period of years as it specified, by placing under the heads of the original surveyed sections or surveys, or parts of a section or survey, squares, subdivisions, or lots, on the left-hand page, or on the upper portion of such page of the index book, the following:

(A) The name of the grantor;
(B) Next to the right, the name of the grantee;
(C) The number and page of the record where the instrument is found recorded;
(D) The character and date of the instrument, to be followed by a pertinent description of the property conveyed by the deed, lease, or assignment of lease;
(E) On the opposite page, or on the lower portion of the same page, beginning at the bottom, in like manner, all the mortgages, liens, or other encumbrances affecting such real estate.

The compensation for the services rendered under this section shall be paid from the general revenue fund of the county, and no additional levy shall be made in consequence of such services. In the event that the board decides to have such sectional index made it shall advertise for three consecutive weeks in one newspaper of general circulation in the county for sealed proposals to do such work as provided in this section, and shall let the work to the lowest and best bidder, and shall require him to give bond for the faithful performance of the contract, in such sum as the board fixes, and such work shall be done to the acceptance of the bureau of supervision and inspection of public offices upon allowance by such board. The board may reject any and all bids for the work, provided that no more than five cents shall be paid for each entry of each tract or lot of land * * * *

CHAPTER 319: AUDITOR

319.10—Submission of report to judge of court of common pleas; publication.

Upon completing the report required by section 319.09 of the Revised Code the county auditor shall submit it to a judge of the court of common pleas * * * If the judge certifies that such report is in compliance with such section, or after the auditor makes changes as directed by the judge, such auditor shall cause an exact copy of the report to be immediately published once, in one English newspaper of the political party casting the largest vote in the state and in one English newspaper of the political party casting the second largest vote in the state, at the last general election, published in and of general circulation in the county, if there are two such papers published; if not, then a publication in one newspaper only is required. Such report shall be published only in the English language, and, if the newspapers have no political affiliation, then in the two newspapers having the largest circulation, and if there are no newspapers in such county, then in the newspapers of adjoining counties having the largest circulation in such county. Political newspapers shall have precedence over nonpartisan papers.

In addition the auditor may cause such report to be published in the newspaper having the largest circulation in each city in which there is a population in excess of eight thousand, and in which such report is not otherwise published.

CHAPTER 323: COLLECTION OF TAXES

323.08—Notice of taxes assessed.

Upon receiving from the county auditor a duplicate of taxes assessed upon the property of the county, the county treasurer shall immediately cause notice of such tax assessment to be * * * inserted for six consecutive weeks in a newspaper having a general circulation in the county * * * *

In counties having cities of 8,000 inhabitants or more, not the county seat of such counties, additional publication of the notice of rates of taxation must be made for six consecutive weeks in two newspapers of opposite politics in each such city. 1932 OAG 4092.

323.62—Notice to taxpayer.

The county treasurer may fix the time and place at which taxes will be received, as provided in section 323.61 of the Revised Code. Two weeks' notice of such time and place shall be given by publication in a newspaper of general circulation in the municipal corporation within which the place of collection is located, and by posting notices of such time and place in four public places within the municipal corporation or township.

CHAPTER 337: COUNTY HOMES

337.17—Free publication of detailed statement.

If, in any county, the proprietors or managers of two newspapers, of general circulation and opposite politics, notify the county auditor that they will publish free of charge, a full and detailed statement of the receipts and expenditures of the board of county commissioners in connection with the county home for any designated months, the auditor shall at once so notify the board, which, within twenty days, shall furnish the auditor with a full account, in detail, of all money received and paid out by the board during such months, whence it was received, and to whom and for what purposes paid.

CHAPTER 339: HOSPITALS

339.05—Advertisement for bids.

Before making a contract for the expenditure of money on any structure or improvement in excess of one thousand dollars, the board of county hospital trustees shall advertise according to law for bids, and shall cause plans, specifications, and detailed drawings to be distributed among the bidders.

339.08—Hospital trust fund.

* * * * Any corporation or association holding property in trust for the erection, improvement, or support of a county hospital may make application to the court of common pleas of such county for permission to resign from and relinquish the obligations of such trust. The court shall set a time for a hearing, and give notice of the hearing to the donors, if living, and to the next of kin of deceased donors, residing within the state, and notice shall also be given by publication in a newspaper printed and of general circulation within the county for three consecutive weeks * * * *

CHAPTER 343: COUNTY GARAGE AND REFUSE DISPOSAL DISTRICTS

343.04—General plan for garbage and refuse disposal district.

The board of county commissioners may, after the establishment of any garbage and refuse disposal district, have a general plan of garbage and refuse disposal facilities for such district prepared by the county sanitary engineer * * * After approval of the * * * plans * * * the board shall adopt a resolution declaring that such improvement is necessary * * * *

Such resolution shall contain a description of the boundaries of the garbage and refuse disposal district and shall designate when and where objections to the improvement or the boundaries of the district will be heard by the board. The date of such hearing shall not be less than twenty-four days after the date of the first publication of such resolution. The board shall cause such resolution to be published once a week, for two consecutive weeks, in a newspaper of general circulation within the county, and on or before the date of the second publication it shall send a notice of the time and place of such hearing, by mail, to the owner of every property to be served by such facilities.

343.05—Adoption of improvement resolution.

* * * * If the boundaries of the district are amended so as to include any property not included in the district as originally established, notice and hearing shall be given to the owners of such property in the same manner as for the original hearing under sections 343.04 of the Revised Code. If the owners of all property added to the district by amendment to the original boundaries thereof waive objection to such amendment, in writing, no further notice or hearing shall be given * * * *

CHAPTER 345: MEMORIAL BUILDINGS

345.02—Bond issue for soldiers' memorial.

The taxing authority of any municipal corporation, township, or county may issue the bonds of such subdivision for the purpose of purchasing a site, and for erecting, equipping, and furnishing, or for establishing a memorial to commemorate the services of all members and veterans of the armed forces of the United States. Any such taxing authority may determine to submit to the electors of the subdivision the question of issuing such bonds at a general election, and shall, by resolution, declare the necessity of such bond issue.

specify the election at which such question shall be submitted, and set out the additional facts as provided in section 133.09 of the Revised Code * * * *

Publication of the notice of such election shall be made on four separate days prior to the election, in one or more newspapers of general circulation in the subdivision * * * *

345.03—Tax levy resolution certified to board of elections; notice of election.

[The election referred to in this section is an election to determine whether or not a special tax shall be levied, within a subdivision of the state, to erect or maintain a memorial building.]

* * * * Notice of the election shall be published in a newspaper of general circulation in the subdivision, at least once, not less than two weeks prior to such election. The notice shall set out the purpose of the proposed increase in rate, the amount of the increase expressed in dollars and cents for each one hundred dollars of valuation as well as in mills for each one dollar of property valuation, the number of years during which such increase will be in effect, and the time and place of holding such election.

TITLE V: TOWNSHIPS

CHAPTER 501: ORIGINAL SURVEYED TOWNSHIPS

501.18—Improvements upon lands.

[This section refers to improvements upon school and ministerial lands, especially competitive letting of contracts. The text of the law provides as follows:]

* * * * All plans, details, bills of material, and estimates shall be submitted in duplicate, to the supervisor for his approval. If such approval is given, the supervisor shall return to the board one copy of such plans, details, bills of material, and estimates, with the approval written thereon. Thereupon the board shall give public notice, in the manner prescribed by the supervisor in such approval, of the time and place where sealed proposals will be received for making such improvement and a contract awarded therefor * * * *

501.28—Publication of intended lease or sale of lease; acceptance of proposals.

In all cases in which school or ministerial lands are to be leased, the state supervisor of school and ministerial lands shall cause publication thereof to be made in such newspapers as he directs, or by posting notices thereof in at least five public places within the township. Publication shall be for such time and in such manner as the supervisor directs, and shall advertise the appraised value of each tract of land, the time proposals will be received or the sale of such leases had, and such other facts as, in the opinion of the supervisor shall be made known * * * *

501.33—Action for recovery of rents on failure to make payments; public sale.

On failure to make payment of any rent on school or ministerial lands when due and payable * * * the auditor of state shall notify the lessee and sureties of the date and amount of rent due. If such rent is not paid within thirty days after such notice * * * the lease shall become void and action shall be taken in a court of Franklin County for collection of such rent * * * *

If such notes have not been required or given to secure the payment of such rents, then, on failure to make payment of any rent when due and payable, the supervisor shall notify the lessee, at his last known address, of his delinquency. If the rent is not paid within thirty days after such notice, or adjustment made with approved surety for the payment of such rent, with five per cent interest until paid, the supervisor shall sell such lease, by sealed bids or

at public auction, to the highest responsible bidder, after having given notice at least once, thirty days before the sale, in a newspaper of general circulation in the county in which the land is located, or by posting six notices in conspicuous places in the township in which such land is located, two of which notices shall be within one thousand feet of such land. Such notices shall contain the location of land, appraised value, annual rent, and the time and place of receiving and opening bids * * * *

501.34—Advertisement of sale.

The state supervisor of school and ministerial lands shall cause advertisements of the sale of a lease of school or ministerial lands as provided by section 501.33 of the Revised Code to be made by publication in a newspaper in general circulation within the county, and by posting in three of the most public places within the township in which such land is situated. Such advertisement shall give a description of the land, the number of acres, a description of the improvements, the name of the delinquent lessee, the amount of delinquent rent and probable interest and costs, and the time and place of sale. At the time and place stated in the advertisement, such leasehold shall be sold to the highest bidder * * * *

501.36—Lease upon contract providing shares in lieu of cash.

If, upon the advice of the board of township trustees, the state supervisor of school and ministerial lands is of the opinion that any tract of school or ministerial lands can yield the best gain by leasing it upon a contract providing for the farming of the land on shares, in lieu of a cash rent, the supervisor may enter into such a lease and contract. Whenever the supervisor finds that it is for the best interest of the trust he shall advertise the sale of such a contract and lease, publishing the time and place where sealed bids will be received or the sale of such lease had, the fact that a lease and contract will be executed as provided by this section and a pertinent description of the land. The advertisement shall be in such form and manner as the supervisor determines. On the day so advertised such sale shall be had or all bids shall be opened, and the bidder who offers the best terms for the trust shall be awarded such lease and contract. The terms of such lease and contract shall be governed by section 501.29 of the Revised Code.

501.38—Sale of school or ministerial lands.

[This section refers to the disposition under certain conditions of land appropriated by Congress for school and religious purposes. It provides that an election be held pursuant to the general election laws within the subdivision for the sale of such property and further provides:]

* * * * Within thirty days after receiving such certified returns, the auditor of state and the attorney general shall tabulate them and publish the result * * * *

501.39—Sale upon consent of inhabitants; notice of sale.

[This section refers to the same category of lands as the above section. It provides in part:]

* * * * Whenever the consent of the inhabitants of an original surveyed township or district* * * has been obtained, the state supervisor of school and ministerial lands, with the consent of the board of township trustees * * * may dispose of any such lands, by sale in the following manner:

Within six months preceding the day of sale such lands shall first be appraised as provided in sections 501.22 to 501.25, inclusive, of the Revised Code. The supervisor shall cause the fact of such sale to be advertised in a newspaper of general circulation within the township in which such lands are located, for

a period of at least thirty days preceding the day bids will be opened, advertising therein the day of the opening of bids, the valuation of such lands, the technical description of the lands and the location thereof with reference to the highways of such township, a description of the character of such township, a description of the character of such lands, the improvements thereon, and the time and place where sealed bids may be filed with the board of township trustees * * * *

CHAPTER 503: GENERAL PROVISIONS

503.05—Adjustment of disputed boundaries.

When a boundary line between townships is in dispute, the board of county commissioners, upon application of the board of township trustees of one of such townships, and upon notice in writing to the board of township trustees of such civil township, and on thirty days' public notice printed in a newspaper published within the county shall establish such boundary line and make a record thereof as provided by section 503.04 of the Revised Code.

CHAPTER 505: TRUSTEES

505.10—Acceptance of property authorized; sale of township property and equipment.

The board of township trustees may accept, on behalf of the township, the donation by bequest, devise, deed of gift, or otherwise, of any property, real or personal, for any township use. When the township has property which the board, by resolution, finds it does not need, the board may sell and convey such property. Such sale must be by public auction and upon notice thereof being published once a week for three weeks in a newspaper published, and of general circulation, in such township, the last of such publications to be at least five days before date of sale.

When the township has machinery, equipment, or tools used for the construction, reconstruction, maintenance, and repair of roads which the board finds, by resolution, are not needed, the board may sell it to the person from whom other machinery, equipment, or tools are purchased, in accordance with section 5575.01 of the Revised Code * * * *

505.17—Regulations for vehicle parking.

The board of township trustees may make such regulations and orders as are necessary to control all vehicle parking in the township, except in such township or portion thereof which is within the limits of a municipal corporation. All such regulations and orders shall be subject to the limitations, restrictions, and exceptions in sections 4511.01 to 4511.76, inclusive, and 4513.02 to 4513.37, inclusive, of the Revised Code.

After the establishment of such regulations and orders by the board, they shall be posted by the township clerk in five conspicuous public places in the township for thirty days before becoming effective, and shall be published in a newspaper of general circulation in the township for three consecutive weeks * * * *

505.28—Creation of waste disposal district.

The board of township trustees may create a waste disposal district under sections 505.27 to 505.33, inclusive, of the Revised Code, by a unanimous vote of the board and give notice thereof by a publication in two newspapers of general circulation in the township. If, within thirty days after such publication, a protest petition is filed with the board, signed by at least fifty per cent of the electors residing in the district, the act of the board in creating such district shall be void * * * *

CHAPTER 511: MEMORIAL BUILDINGS, HALLS, PARKS

511.08—Petition to build memorial.

Whenever a petition is presented to the board of township trustees, signed by not less than fifteen per cent of the electors of the township as shown at the last preceding general election held therein, requesting the submission to such electors of the question of issuing bonds in an amount not to exceed one hundred thousand dollars, for purchasing a site, if necessary, and erecting and furnishing a memorial building, or erecting and maintaining a suitable and appropriate monument, statue, or memorial to commemorate the services of the soldiers, sailors, and marines of such township, the board shall provide by resolution for the submission of such question to the electors at a special or the next general election * * * *

The question of issuing such bonds shall be submitted to the people of the township in the manner provided by sections 133.09 to 133.13, inclusive, of the Revised Code.

511.12—Plans, specifications, and contracts.

The board of township trustees may prepare plans and specifications and make contracts for the construction and erection of a memorial building, monument, statue, or memorial, for the purpose specified and within the amount authorized by section 511.08 of the Revised Code. In making such contracts, the board shall be governed as follows: * * * *

(B) Contracts shall be made in writing upon concurrence of a majority of the members of the board, and shall be signed by at least two of such members and by the contractor, after an advertisement in two newspapers, published or of general circulation in the township, for a period of thirty days * * * *

511.21—Notice of submission of question.

* * * * The board of township trustees shall direct the township clerk to give thirty days' notice, by posting in five public places in the township, and by publication in one or more newspapers of general circulation therein, that an election will be held at the next general election to determine whether a free public park is to be established within the township, and the estimated cost of the land recommended for that purpose.

511.28—Submission of question of increased levy.

On the making of an order by the board of park commissioners * * * for an additional levy the township clerk shall certify such order to the board of elections not later than four p.m., of the ninetieth day before the day of the election, and shall give notice at least thirty days before the election that the vote will be taken, by posting printed notices in at least five public places in the township, and by publication in not less than one newspaper of general circulation therein * * * *

CHAPTER 513: HOSPITALS; JOINT HOSPITAL DISTRICTS

513.06—Submission of questions to electors.

[The board of township trustees may agree with the corporation organized for charitable purposes for the erection and management of a hospital. Upon the execution of the agreement, the board of township trustees shall submit the question of the ratification of such agreement to the electors of the township. The instant section then provides:]

* * * * The proceedings in the matter of such election and in the issuance and the sale of such bonds shall be as provided by sections 133.01 to 133.65, inclusive, of the Revised Code * * * *

513.08—Agreement for participation in construction and maintenance of municipal hospital; bond issue submitted to electors.

[See above section for public notice.]

513.09—Contributions by district; appropriation; tax levy.

Where an agreement under section 513.08 of the Revised Code provides for contributions to be made, from time to time, by a joint township hospital district, or by the county, for the maintenance and operating charges of a municipal hospital, the boards of township trustees of the townships comprising such district, or the board of county commissioners of such county, may appropriate unencumbered funds for such purpose as provided in section 513.12, or sections 5705.38 to 5705.47, inclusive, of the Revised Code. The joint township hospital board may, in the manner provided in sections 513.13 and 513.14 of the Revised Code, and the board of county commissioners may, in the manner provided in sections 5705.01 or 5705.26, inclusive, of the Revised Code, submit the question of levying a tax for such purpose.

513.14—Advertisement of proposed question.

The board of elections shall advertise the purpose of tax levy question mentioned in section 513.13 of the Revised Code, in two newspapers of opposite political faith, if two such newspapers are published in the joint township hospital district, otherwise, in one newspaper, published or of general circulation in the proposed township hospital district, once a week for three weeks, immediately preceding such election.

CHAPTER 515: LIGHTING

515.01—Lighting unincorporated districts.

The board of township trustees may provide artificial lights for any road, highway, public place, or building under its supervision or control, or for any territory within the township and outside the boundaries of any municipal corporation, when the board determines that the public safety or welfare requires that such road, highway, public place, building, or territory shall be lighted. Such lighting may be procured either by the township installing a lighting system or by contracting with any person or corporation to furnish lights * * * *

If the board determines to procure such lighting by contract, it shall prepare plans and specifications for the lighting equipment and shall, for two weeks, advertise for bids for furnishing such equipment, either by posting such advertisement in three conspicuous places in the township or by publication thereof once a week, for two consecutive weeks, in a newspaper of general circulation in the township.

515.04—Notice of petition.

The township clerk shall fix a day, not more than thirty days from the date of notice to the board of township trustees, for the hearing of the petition provided for by section 515.02 of the Revised Code * * * *

The clerk shall give such notice to each nonresident lot or land owner by publication once, in a newspaper printed and of general circulation in the county in which the district is situated, at least two weeks before the day set for hearing. Such notice shall be verified by affidavit of the printer or other person knowing the fact, and shall be filed with the clerk on or before the day of hearing. No further notice of the petition or the proceedings thereunder shall thereafter be required.

CHAPTER 517: CEMETERIES

517.22—Public sale of cemeteries.

The board of township trustees, or the trustees or directors of cemetery association, may, after notice has been given in two newspapers of the county, of general circulation, dispose of, at public sale, and make conveyance of any cemeteries under their control that they have determined to discontinue as burial grounds, but possession thereof shall not be given to grantee until after the dead therein buried, together with stones and monuments, have been removed as provided by section 517.21 of the Revised Code.

CHAPTER 519: TOWNSHIP ZONING

519.06—Public hearing on recommendations; notice.

Before submitting its recommendations of a zoning plan to the board of township trustees, the township zoning commission shall hold at least one public hearing, notice of which shall be given by one publication in one or more newspapers of general circulation in the township at least thirty days before the date of such hearing. The notice shall state the place and time at which the text and maps of the zoning resolution may be examined.

519.07—Proposed zoning resolution to county or regional planning commission; approval; public hearing if resolution disapproved; certification to township trustees.

* * * * In the event the planning commission disapproves of the proposed zoning resolution or suggests any material change, the zoning commission shall hold a public hearing on the resolution, due notice of which shall be given as provided in section 519.06 of the Revised Code * * * *

519.08—Public hearing on zoning plan.

After receiving the certification of a zoning plan from the township zoning commission, and before adoption of any zoning resolution, the board of township trustees shall hold a public hearing on the resolution, at least thirty days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the township.

TITLE VII: MUNICIPAL CORPORATIONS

CHAPTER 701: GENERAL PROVISIONS

701.04—General provisions when no newspaper printed at place where publication is required.

Where in Title VII of the Revised Code a notice is directed to be published in a newspaper, and no such newspaper is printed at the place mentioned as provided in section 7.12 of the Revised Code, or if the publisher of such newspaper refuses, on tender of the legal charge for printing such notice, to insert it in his newspaper, a publication thereof in any newspaper of general circulation at such place shall be sufficient. This section does not dispense with posters where they are provided for.

701.05—Authority of municipal corporations.

Municipal corporations operating under a charter which provides for or authorizes a method of procedure in the passage and publication of legislation * * * may pass and publish such legislation * * * under the general law or in accordance with the procedure provided for or authorized by its charter * * * *

CHAPTER 703: CLASSIFICATION

703.10—Resolution to take census.

Upon presentation of a petition as required by section 703.09 of the Revised Code the legislative authority, by resolution, at its next regular meeting, shall authorize the city auditor to take a census of the city and report the results thereof to the legislative authority. The resolution need be read but once, and it shall be published as are other resolutions of a general or permanent nature.

CHAPTER 705: PLANS OF GOVERNMENT

705.01—Petition for submission of question of organizing municipal corporation under a specific plan.

[This section provides for the procedure of organizing a municipal corporation under one of the plans of government provided in sections 705.41 to 705.86, inclusive, of the Revised Code. The question is to be submitted to the electors within the corporation and is to be decided by an election specially held for the purpose. Any such election is to be conducted in accordance with the general election laws, except as otherwise provided in sections 705.01 to 705.92, inclusive, of the Revised Code.]

705.03—Form of ballot in submitting question of organizing under plan.

* * * * Any elector may, at least forty days prior to such election, file with such board a written argument of not more than three hundred words, for or against any proposed plan of government or for or against any other proposition submitted, and, upon payment of the cost of printing, the board shall have such written argument printed and a copy thereof mailed with the copy of the proposed plan to each elector, or otherwise distributed to every voter as far as practicable.

705.16—Publication of ordinances.

All ordinances or resolutions shall be in effect thirty days from the date of their passage, except as provided in section 705.75 of the Revised Code. Ordinances of general nature, or providing for public improvements, or assessing property shall, upon passage, be promptly published one time in not more than two newspapers of general circulation in the municipal corporation. Such ordinances shall be printed in the body type of the newspaper under headlines in eighteen point type, which headlines shall specify the nature of such legislation. No newspaper shall be paid a higher price for the publication of ordinances than its maximum bona fide commercial rate.

705.17—Annual tax ordinance.

An annual tax ordinance to determine the amount of the tax levy shall be prepared by the mayor, the chairman of the commission, or the city manager, as the case may be, under the direction of the legislative authority * * * * After the tax ordinance is prepared by such officer, opportunity shall be given, after at least one week's notice, for public hearings thereon * * * *

CHAPTER 707: INCORPORATION

707.05—Presentation of petition to the board of county commissioners.

The petition required by section 707.03 of the Revised Code shall be presented to the board of county commissioners at a regular session thereof, and when so presented the board shall cause it to be filed in the office of the county auditor, where it shall be subject to the inspection of any person interested. The board shall then fix, and communicate to the agent of the

petitioners, the time and place for hearing the petition, which time shall be not less than sixty days after such filing. Thereupon the agent for the petitioners shall cause a notice containing the substance of the petition, and the time and place where it will be heard, to be published in a newspaper, printed and of general circulation in the county, for a period of six consecutive weeks, and shall also cause a copy of the notice to be posted in a conspicuous place within the limits of the proposed municipal corporation, not less than six weeks prior to the time fixed for the hearing.

Newspaper may be of "general circulation" in county although circulation not exclusively of paid subscribers. Ambos v. Campbell, 40 App 346, 178 NE 320 (1931).

707.06—Hearing.

* * * * If any amendment is permitted, whereby territory not before embraced is added, the board shall appoint another time for the hearing, of which notice shall be given as specified in action 707.05 of the Revised Code.

707.16—Procedure upon receipt of petition.

When the board of township trustees receives the petition provided for in section 707.15 of the Revised Code, with the proof that the persons who signed it are electors, who reside within the limits of the proposed municipal corporation, and that a majority of them are freeholders, the board shall order that such territory, with the assent of the qualified voters thereof as provided in section 707.18 of the Revised Code, be an incorporated village by the name specified in the petition. The board shall also include in such order, a notice for the election by the qualified voters resident in the territory, at a convenient place therein to be named by such board, within fifteen days thereafter, to determine whether such territory shall be incorporated. The board of elections shall given ten days' notice of such election by publication in a newspaper of general circulation in such territory, and shall cause written or printed notices thereof, to be posted in three or more public places in the territory proposed to be incorporated.

707.25—Proceedings to change name.

When it is desirable to change the name of a municipal corporation a petition for the purpose, subscribed by at least twelve freeholders of the municipal corporation, setting forth the reasons such change is desirable, shall be filed in the court of common pleas of the county in which such municipal corporation, or the larger part thereof, is situated. A notice, setting forth the object of the petitioners, and the time when and place where such petition will be heard, shall be published for thirty days previous to the hearing in a newspaper of general circulation in the municipal corporation.

CHAPTER 709: ANNEXATION, DETACHMENT

709.03—Petition presented to board of county commissioners; proceedings.

The petition required by section 709.02 of the Revised Code shall be presented to the board of county commissioners at a regular session thereof, and when so presented the same proceedings shall be had as far as applicable, and the same duties in respect thereto shall be performed by the board and other officers as are required in case of an application to be organized into a village under sections 707.01 to 707.30, inclusive, of the Revised Code * * * *

709.16—Proceedings before board of county commissioners; county owned territory.

When a petition for the annexation of contiguous territory, by a municipal corporation is presented to the board of county commissioners, proceedings

shall be had in all respects, so far as applicable, as are required by sections 709.02 to 709.12, inclusive, of the Revised Code * * * *

709.29—Submission of question of annexation to a vote; procedure.

Within thirty days after filing the conditions of annexation as provided by section 709.28 of the Revised Code with the legislative authorities of the municipal corporations, the legislative authorities of both such municipal corporations shall order the question of annexation, upon the conditions contained in the report of such commissioners, to be submitted to a vote at the next regular municipal election or primary election, occurring more than sixty days after the filing of such conditions.

Each ordinance shall prescribe the manner in which the submission shall be made and shall be published in its respective municipal corporation by posters or otherwise, for a period of at least twenty days, prior to the time fixed for the election, in such manner as the legislative authority deems most expedient, and a printed copy of such conditions shall be mailed to each voter of such municipal corporations, as shown by the registration books.

709.39—Petition to submit question of detachment of territory; election.

The inhabitants residing within any portion of a village, such portion being contiguous to an adjoining township, and comprising not less than one thousand five hundred acres of land, may file a petition with the board of elections in such county requesting that an election be held to obtain the opinion of the electors residing within such portion of the village upon the question of the detachment of the portion from such village, or, upon the question of the detachment of such portion from the village and the erection of such detached portion into a new township * * * *

Within ten days after the filing of such petition with the board the board shall determine whether the petition conforms to this section. If it does not conform, no further action shall be taken thereon. If it does conform, the board shall order an election, as prayed for in the petition, which election shall be held at a convenient place within the territory sought to be detached, on a day named by the board, which day shall not be less than ten nor more than twenty days thereafter. The board shall thereupon give ten days' notice of such election by publication in a newspaper of general circulation in such territory, and shall cause written or printed notices thereof to be posted in three or more public places in such territory * * * *

CHAPTER 711: PLATS

711.18—Application for vacating or altering plat; notice.

Applications for vacating or altering a plat, addition, or part thereof, shall be by petition in writing, filed with the clerk of the court of common pleas. The applicant shall give thirty days' notice thereof, by publication in a newspaper printed and of general circulation in the county. Such notice shall set forth briefly the part of the plat or addition to be vacated.

711.25—Vacation of lots not within a municipal corporation.

Any person owning, either jointly or severally, either in his own right or in trust, and having the legal title to any land laid out in town lots, or having such title to any whole block of lots in any land laid out in town lots, and not within the limits or under the control of a municipal corporation, may vacate such lots or block of lots upon giving notice of such intention for two weeks, in a newspaper published and of general circulation in the county in which such land lies. If any of such lots have been sold, personal written notice shall be given to the owner thereof.

711.35—Publication of notice.

Upon the filing of the application provided for in section 711.34 of the Revised Code, the county auditor shall give notice, by publication, for two consecutive weeks in a newspaper published and of general circulation in the county, of the filing thereof, and shall also notify the board of county commissioners of such filing.

CHAPTER 713: PLANNING COMMISSIONS

713.12—Publication of notice and public hearing before passing ordinance.

Before any ordinance, measure or regulation authorized by section 713.07 to 713.11, inclusive, of the Revised Code, may be passed, the legislative authority of the municipal corporation shall hold a public hearing thereon, and shall give thirty days' notice of the time and place thereof in a newspaper of general circulation in the municipal corporation. During such thirty days the text or copy of the text of such ordinance, measure, or regulation, together with the maps or plans or copies thereof forming part of or referred to in such ordinance, measure, or regulation and the maps, plans, and reports submitted by the planning commission, board, or officer shall be on file, for public examination, in the office of the clerk of the legislative authority or in such other office as is designated by the legislative authority. No such ordinance, measure, or regulation which violates, differs from, or departs from the plan or report submitted by the commission, board, or officer shall take effect unless passed or approved by not less than three fourths of the membership of the legislative authority.

CHAPTER 715: GENERAL POWERS

715.47—Powers to fill lots and remove obstructions.

A municipal corporation may fill or drain any lot or land within its limits on which water at any time becomes stagnant * * * and remove all obstructions from culverts * * * * The legislative authority of such municipal corporation, may, by resolution, direct the owner to fill or drain such lot, remove such putrid substance or such obstructions, and if necessary, enlarge such culverts or covered drains to meet the requirements thereof.

After service of a copy of such resolution, or after a publication thereof, in a newspaper of general circulation in such municipal corporation, for two consecutive weeks, such owner, or his agent or attorney, shall comply with the directions of the resolution within the time therein specified * * * *

715.65—Licensing of advertising mediums and matters.

Any municipal corporation may license billposters, advertising sign painters, bill distributors, card tackers, and advertising matter of any article or compound which has not been manufactured or compounded within such municipal corporation. In granting such license the legislative authority of such municipal corporation may fix such license fees as are expedient, and may delegate to the mayor thereof the authority to grant, issue, and revoke such license.

This section does not authorize such legislative authority to charge merchants doing business therein a license fee for advertising their own business.

CHAPTER 719: APPROPRIATION OF PROPERTY

719.05—Proceedings on passage of appropriation resolution.

The mayor of a municipal corporation shall, immediately upon the passage of a resolution under section 719.04 of the Revised Code, declaring an intent

to appropriate property, for which but one reading is necessary cause written notice to be given to the owner of, person in possession of, or person having an interest of record in, every piece of property sought to be appropriated, or to his authorized agent. Such notice shall be served by a person designated for the purpose and return made in the manner provided for the service and return of summons in civil actions. If such owner, person, or agent cannot be found, notice shall be given by publication once a week for three consecutive weeks in a newspaper of general circulation in the municipal corporation, and the legislative authority may thereupon pass an ordinance by a two-thirds vote of all members elected thereto, directing such appropriation to proceed.

719.07—Notice to owners of property.

Notice of the time and place of application for appropriation under section 719.06 of the Revised Code shall be given, in the ordinary manner of serving legal process, to all owners or agents of owners who are residents of the state and whose place of residence is known, and to all others by publishing the substance of the application, with a statement of the time and place at which it is to be made, once a week for three weeks next preceding the time of the application in a newspaper of general circulation in the county.

CHAPTER 721: SALE OR LEASE OF PROPERTY

721.03—Lease or sale of real estate.

No contract for the sale or lease of real estate belonging to a municipal corporation shall be made unless authorized by an ordinance, approved by a two-thirds vote of the members of the legislative authority for such municipal corporation, and by the board or officer having supervision or management of such real estate. When the contract is so authorized, it shall be made in writing by such board or officer, only with the highest bidder, after advertisement once a week for five consecutive weeks in a newspaper of general circulation within the municipal corporation. Such board or officer may reject any bids and readvertise until all such real estate is sold or leased.

721.07—Publication of notice before leasing; bids.

Before a municipal corporation makes a lease for a term of three years or more of any territory mentioned in section 721.04 of the Revised Code, such municipal corporation shall, by resolution of its legislative authority, cause public notice to be given as provided by sections 731.21 to 731.25, inclusive, of the Revised Code, that on a day named in such notice bids will be received by the clerk of the legislative authority for the leasing of the premises, to be described in such notice * * * *

721.14—Election.

A majority of all the votes cast on the proposition for the sale, lease, or exchange of land under section 721.13 of the Revised Code shall be necessary to its ratification. When so ratified, the ordinance provided for in such section shall be effective, and the mayor shall proceed to execute a deed of conveyance or lease of the property as therein provided. In holding the special election, sections 133.01 to 133.65, inclusive, of the Revised Code apply.

721.15—Sale of personal property.

* * * * When the legislative authority or the authorized board, officer, or director of a municipal corporation advertises for bids for the sale of new vehicles, equipment, or machinery to the municipal corporation, they may include in the same advertisement a notice of willingness to accept bids for the purchase of municipally owned vehicles, equipment, or machinery, which

is obsolete, unfit, or not needed for public use, and to have the amount of such bids subtracted from the selling price as a means of determining the lowest and best bidder * * * *

721.20—Notice of petition to be published.

Notice of the filing, pendency, and prayer of the petition provided for by section 721.19 of the Revised Code shall be published for four consecutive weeks, prior to the day of hearing, in a newspaper printed in the municipal corporation, or if there is none, then in a newspaper printed in the county, and of general circulation in such municipal corporation.

CHAPTER 723: STREETS; PUBLIC GROUNDS

723.07—Notice of application to be published.

No street or alley shall be vacated or narrowed unless notice of the pendency and prayer of the petition under section 723.04 of the Revised Code is given by publishing, in a newspaper published or of general circulation in such municipal corporation, for six consecutive weeks preceding action on such petition, or, where no newspaper is published in the municipal corporation, by posting the notice in three public places therein six weeks preceding such action. Action thereon shall take place within three months after the completion of the notice.

723.10—Notice of petition.

Notice of the pendency, object, and prayer of a petition for the vacation or establishment of a street or alley under section 723.09 of the Revised Code shall be served upon the municipal corporation in the manner provided by law for the service of summons and shall be given by publication in a newspaper of general circulation in the county in which such street or alley is located, for four consecutive weeks, on the same day of the week. The cause may be heard and determined at any time after the expiration of ten days from the date of last publication.

723.26—Assessment of property for surface treatment of streets.

When a portion of the cost of the surface treatment of streets under sections 723.23 to 723.25, inclusive, of the Revised Code, is to be assessed against private property, notice to the owners thereof shall be given by publishing the resolution establishing a surface treatment district and setting forth the portion of the cost to be assessed, once each week for two weeks, in a newspaper published and of general circulation in the municipal corporation, and if there is no newspaper published therein, copies of the resolution shall be posted in twelve public places in the municipal corporation.

723.39—Notice required of application to establish street railway route.

Nothing mentioned in section 723.38 of the Revised Code shall be done, no ordinance or resolution to establish or define a street railway route shall be passed, no action inviting proposals to construct and operate such railway shall be taken by the legislative authority of a municipal corporation, and no ordinance for the purpose specified in such section shall be passed, until public notice of the application therefor has been given by the clerk of such legislative authority, once a week for at least three consecutive weeks in one or more of the daily papers published in such municipal corporation, if there be such, and if not, then in one or more weekly papers published therein.

CHAPTER 725: REHABILITATION OF BLIGHTED AREAS

725.03—Requisites and conditions for carrying out a development plan.

The following plans, statements, and actions are hereby made requisite for, and conditions of, the powers granted by sections 725.01 to 725.11, inclusive, of the Revised Code, for the carrying out of a development plan in a development area: * * * *

(E) The legislative authority, prior to its determination that an area is a blighted area, prior to the adoption of a development plan, and prior to the finding by it with respect to displaced families as provided in division (D) of this section, shall hold not less than two public hearings thereon, at which hearings an opportunity shall be provided for all persons interested to be heard either in person or by counsel. Notice of the time and place of such hearings shall be published in a newspaper of general circulation in the city and the area affected, once each week for two consecutive weeks, and such publication shall be completed not less than thirty days prior to the date set for the first of such hearings. Notice of the first of such hearings shall be mailed, at least twenty-five days before the first hearing, to the last known owner of each parcel of land in such area at his last known address as shown by the records of the county auditor. Such notice shall contain a description of the proposed development area by its location in relation to highways, streets, streams, or otherwise. Such notice shall state that maps, plats, and particular description of the development plan, together with such zoning maps and ordinances as relate thereto, are available for public inspection at a place designated in the notice. The failure of any owner to receive a copy of such notice shall not invalidate the proceedings of the legislative authority * * * *

725.10—Modification of development plan.

If, prior to the transfer, sale, or exchange of any real property in a development area, a proposal to modify the development plan is made in writing to the planning commission of a city, the commission may consider the proposed modification. If such modification is approved by the commission the legislative authority of the city shall hold a public hearing thereon, notice of which shall be given in the manner provided in division (E) of section 725.03 of the Revised Code. If, after such hearing, the proposed modification is adopted by a majority vote of the members of the legislative authority, it shall become a part of the plan. If the proposed modification is not approved by the commission, then upon not less than a two-thirds affirmative vote of the members of the legislative authority a public hearing shall be held thereon, with notice as provided by this section * * * *

CHAPTER 727: ASSESSMENTS—GENERALLY

727.05—Service connections.

The director of public service in cities and the legislative authority in villages may compel the making of sewer and water connections as provided by this section. Whenever such director or legislative authority deems it necessary, in view of contemplated street paving or as a sanitary regulation, that sewer or water connections or both be constructed, the director or legislative authority shall cause written notice thereof to be given to the owner of each lot or parcel of land to which such connections are to be made, which notice shall state the number and character of connections required * * * If any such owners are non-residents of the municipal corporation or cannot be found the notice may be given by publication twice in one or more newspapers of general circulation in the municipal corporation.

727.07—Lighting street, alley, dock, pier, or road; special assessment.

The legislative authority of a city * * * may provide for lighting any

street, alley, dock, wharf, pier, public road, or place, or part thereof, and levy and collect special assessments therefor by any one of the methods mentioned in section 727.01 of the Revised Code.

For the carrying out of this section, one resolution, ordinance, or contract may include one or more streets, alleys, docks, wharves, public roads, or places, or parts thereof, and the proceedings by the legislative authority providing for such lighting and the levy and collection of special assessments therefor shall be the same as provided in sections 727.01 to 727.68, inclusive, of the Revised Code, for the improvement of streets, except that notices of the passage of the resolution declaring the necessity for such lighting shall be given to the owners of the lots and lands to be assessed for the payment of the cost and expense of such lighting by publishing such a resolution once a week for two consecutive weeks in two newspapers, of opposite politics, published and of general circulation within the municipal corporation, and no other notice shall be required. In municipal corporations in which no two newspapers of opposite politics are printed, as defined in section 7.12 of the Revised Code, notice of the passage of the resolution shall be given to such owners in either of the following manners to be determined by the legislative authority...*...*...*...* (B) Publication thereof in any newspaper printed in this state and of general circulation in such municipal corporation.

In all municipal corporations which have adopted a charter, the notice to the property owners may be published in accordance with such charter.

727.08—Improvement of boundary street between two municipal corporations by agreement.

Whenever the boundary line between two municipal corporations is located within or along the side lines of a street, avenue, or other public highway, such municipal corporation may enter into an agreement for the improvement of such street, avenue, or other highway in such manner as the respective legislative authorities thereof determine. The agreement may provide for any of the improvements specified in section 727.01 of the Revised Code, and the cost and expense thereof may be assessed upon the property specially benefited thereby, in the manner provided in such section, and to the same extent and subject to the same limitations as provided by sections 727.01 to 727.68, inclusive, of the Revised Code, for the levy and collection of special assessments for street improvements * * * Such agreement shall designate one of the municipal corporations to take exclusive charge of the details of construction of the improvement, including advertising for bids and awarding the contract * * * *

Bonds may be issued and sold in anticipation of the collection of deferred installments of assessments by the municipal corporation levying the assessments, and bonds may likewise be issued and sold by either municipal corporation for the purpose of paying its share of such improvement under the conditions and limitations, and in the manner provided by sections 133.01 to 133.65, inclusive, of the Revised Code.

727.09—Resolution of necessity.

When it is deemed necessary by a municipal corporation to make a public improvement to be paid for in whole or in part by special assessments, the legislative authority thereof shall declare the necessity for such improvement by resolution, three-fourths of the members elected thereto concurring * * * Such resolution shall be published as other resolutions, but shall take effect upon its first publication.

The resolution declaring the necessity of an improvement must be published. State v. Amlin, I NP(NS) 517, (1903).

727.14—Notice.

Notice of the passage of a resolution of necessity under section 727.09 of the Revised Code shall be served by the clerk of the legislative authority of a

municipal corporation, or an assistant, upon the owner of each piece of property to be assessed, in the manner provided for the service of summons in civil actions. If any such owners or persons are not residents of the county, or if it appears by the return that the owner cannot be found, the notice shall be published at least twice in a newspaper of general circulation within the municipal corporation. Whether such notice is given by service or publication, it shall be completed at least twenty days before the improvement is made or the assessment levied, and the return of the officer or person serving the notice, or a certified copy of such return, shall be prima-facie evidence of the service of the notice as required by this section.

Statute permitting publication of notice of assessment if residence of resident owner cannot be found implies that return must have been based on actual, bona fide and completely exhausted search. Cincinnati v. Shaffer, 46 App 73 (1933).

When it is sought to levy special assessments for street improvement on school property the notice of the passage of the resolution of necessity provided in this section, should be served on the board of education having title to said school property in the manner provided for the service of process on said board of education in civil cases. There is no authority to make such service by publication. 1927 OAG 381.

727.28—Letting of contract.

The contract for a public improvement to be paid for in whole or in part by special assessments shall be let by the director of public service in accordance with sections 735.05 to 735.09, inclusive, of the Revised Code, and in case all bids are rejected the director of public service in cities and the legislative authority in villages may order a readvertisement for bids.

727.29—Special assessments deemed valid and binding.

* * * * In the construction of sewers, except main or district sewers, notice of the passage of the resolution therefor shall be made in the manner provided by section 727.14 of the Revised Code.

This section is not unconstitutional by reason of not requiring personal notice to resident owner of an assessment for a trunk sewer; there being no personal liability the proceeding is in rem and the notice by publication is sufficient. Thatcher v. Toledo, 2 App 357 (1914).

727.36—Ordinance for sprinkling, sweeping, and cleaning.

The legislative authority of a city, upon the recommendation of the director of public service, or the legislative authority of a village, may provide by ordinance for the sprinkling with water, sweeping, or cleaning of the streets or alleys, or parts thereof, mentioned in section 727.34 of the Revised Code. To carry out this section and sections 727.33 to 727.35, inclusive, of the Revised Code, one ordinance may be made to include one or more streets or alleys, or parts thereof, and one or more of the powers granted by such sections.

727.37—Notice to owners of lots and lands.

Notice of the passage of the ordinance mentioned in section 727.36 of the Revised Code shall be given the owners of lots and lands to be assessed for the payment of the cost and expense of the work provided for by such ordinance, by publishing the ordinance at least once in a newspaper published and of general circulation within the municipal corporation, and no other or further notice shall be required.

727.41—Street lighting may be assessed upon abutting property; notice.

When a petition signed by three-fourths in interest of the owners of property abutting upon any street, avenue, or other public place, or any part thereof, is presented to the legislative authority of a municipal corporation for the improvement thereof by an improved system of lighting, commonly known as

boulevard or white-way lighting, to be paid for in whole or in part by special assessments upon the adjacent, abutting, or specially benefited property, such legislative authority may provide by ordinance for such system of lighting, and it may provide by a separate ordinance for the levy and collection of special assessments therefor. To carry out this section and sections 727.42 and 727.43 of the Revised Code, one ordinance providing for such system of lighting, and one ordinance providing for the assessments may be made to include one or more streets, avenues, or public places, or parts thereof.

727.42—Notice of passage of ordinance.

Notice of the passage of the ordinance mentioned in section 727.41 of the Revised Code providing for a system of lighting shall be given the owners of lots and lands to be assessed for the payment of the cost of such system of lighting, by publishing the ordinance in the manner provided by section 731.21 of the Revised Code, and no other notice shall be required.

727.53—Notice of assessment to be published.

Before adopting an assessment made as provided in sections 727.01 to 727.68, inclusive, 729.01 to 729.15, inclusive, 729.21, 729.22, and 729.31 to 729.52, inclusive, of the Revised Code, the legislative authority of a municipal corporation shall publish notice for three consecutive weeks in a newspaper of general circulation in the municipal corporation, that such assessment has been made and is on file in the office of the clerk of the legislative authority for the inspection and examination of persons interested therein.

727.54—Cost of improvement.

The cost of any improvement contemplated in sections 727.01 to 727.68, inclusive, 729.01 to 729.15, inclusive, 729.21, 729.22, and 729.31 to 729.52, inclusive, of the Revised Code, shall include the purchase money of real estate or any interest therein when acquired by purchase, or the value thereof when appropriated as found by the jury, the costs of the proceeding, the damages assessed in favor of any owner of adjoining lands and interest thereon, the costs of the assessment, the expense of the preliminary and other surveys, and of printing, publishing the notice and ordinances required, including notice of assessment, and serving notices on property owners, the cost of construction, interest on bonds where bonds have been issued in anticipation of the collection of assessments, and any other necessary expenditure.

727.56—Assessment and penalty recovered by suit; enforcement of lien.

If payment of a special assessment is not made by the time stipulated in the ordinance providing therefor, the amount assessed, with interest, and a forfeiture of five per cent thereon, may be recovered by suit before a justice of the peace, or other court of competent jurisdiction, in the name of the municipal corporation, against the owner, but such owner shall not be liable under any circumstances beyond his interest in the property assessed at the time of the passage of the ordinance or resolution to improve.

* * * * In proceedings to enforce the lien, when the owner of any lot or land assessed is a nonresident of this state, or is unknown, notice shall be given by publication in the manner prescribed by law in similar cases.

CHAPTER 729: ASSESSMENTS—SIDEWALKS, SEWERS

729.02—Notice to construct or repair sidewalks.

729.03—Service upon agent or owner.

729.04—Notice to nonresidents and persons not found.

If it appears in any return under sections 729.02 and 729.03 of the Revised Code, that the owner is a nonresident of the county, or that neither the owner

nor agent nor his place of residence could be found, publication of a copy of the resolution in a newspaper of general circulation in the municipal corporation, in the manner provided by section 727.14 of the Revised Code for service by publication of resolutions for street improvements, is sufficient notice to such owner, but no publication of the resolution shall be necessary in the case of construction or repair of sidewalks, curbing, and gutters where the notice is served upon the owner or agent as provided in sections 729.02 and 729.03 of the Revised Code.

729.09—Contents of sidewalk construction or repair resolution.

In the passage of the resolution under section 729.02 of the Revised Code declaring that certain specified sidewalks, curbing, or gutters shall be constructed or repaired, and in all the subsequent procedure necessary to secure such construction or repair and collect the assessment therefor, sidewalks, curbing, or gutters, although upon different streets and abutting upon lots or land owned by different persons, may be provided for in the same resolution, notice, contract, and ordinance or other step in such procedure.

729.13—Construction of sidewalks in villages upon petition.

The legislative authority of villages, upon the petition of the owners of two-thirds of the front feet of lots or lands abutting upon one or both sides of a street or portion thereof, between points designated in the petition, may provide by ordinance for the construction of sidewalks along such street or portion thereof, on one or both sides, and of such materials and width as is designated in the petition * * * Such construction shall be governed in all respects by sections 727.01 to 727.68, inclusive, of the Revised Code, relating to the improvement of streets * * * *

729.14—Notice to owners of abutting property to clean sidewalks.

When the legislative authority in villages declares by resolution, or the director of public service in cities orders, that specified sidewalks, curbing, or gutters shall be cleaned so as to be free from weeds, grass, dirt, snow, or any other objectionable substance, the clerk of the legislative authority in villages, or the director of public service in cities, shall cause notice of the passage of such resolution, or of such order, to be served upon the owners of each parcel of land abutting on the sidewalks, curbing, or gutters ordered cleaned. The notice shall be given in the manner provided by sections 729.02 to 729.04, inclusive, of the Revised Code.

729.22—Construction resolution.

Whenever the legislative authority of any municipal corporation declares by resolution that the condition mentioned in section 729.21 of the Revised Code exists and that it is necessary that retaining works or structures be constructed or that any existing works or structures be repaired along the shore or in front of any specified parcel of land abutting on any waterway mentioned in such section, the clerk of the legislative authority shall cause a written notice of the passage of such resolution to be served upon the owner of such parcel or his agent, which notice shall be served and returned or published in the manner provided in sections 729.02 to 729.04, inclusive, of the Revised Code * * * *

729.34—Notice of completion of plan to be advertised.

When a plan of sewerage has been prepared as provided by section 729.31 of the Revised Code, the legislative authority of the municipal corporation shall give at least ten days' notice in one newspaper of general circulation in the municipal corporation, stating that such plans have been prepared and are filed in the office of the clerk of the legislative authority for examination and inspection by parties interested.

729.38—Resolution of necessity and notice thereof; publication of notice.

When it is deemed necessary by a municipal corporation to construct * * * sewers provided for in the plan devised under section 729.31, of the Revised Code, the legislative authority thereof shall declare such necessity by resolution * * * * The legislative authority shall cause the resolution to be published once a week for not less than two nor more than four consecutive weeks in a newspaper of general circulation in the municipal corporation.

729.39—Ordinance authorizing construction.

After the publication of notice as provided in section 729.38 of the Revised Code, the legislative authority of the municipal corporation shall determine whether or not it will proceed with the proposed improvement, and if it decides to proceed an ordinance for the purpose shall be passed * * * *

The work shall be advertised and the contract shall be awarded to the lowest and best bidder in the manner provided by section 727.28 of the Revised Code.

729.41—Construction of sewers without adopting plan or dividing municipal corporation into districts.

The legislative authority of a municipal corporation may provide for the construction of main drains and branch drains connecting therewith without previously adopting any plan of sewerage or division of the territory of the municipal corporation or any part thereof into districts, and may assess the cost thereof upon such lots or lands as are designated in the ordinance to improve or such cost may be paid from the sewer fund, or by the municipal corporation at large, as the legislative authority determines, and such proceedings shall be had in respect to such improvements and assessments as are provided by sections 729.31 to 729.40, inclusive, of the Revised Code.

729.44—Advertisement for bids.

The advertisement for bids for the construction of a sewer under section 729.42 of the Revised Code shall be joint, and shall be filed with the clerk of the legislative authority of the municipal corporation, and reported to the legislative authority or each such municipal corporation * * * *

CHAPTER 731: ORGANIZATION

731.14—Contracts by legislative authority of a village.

All contracts made by the legislative authority of a village shall be executed in the name of the village and signed on its behalf by the mayor and clerk. When any expenditure, other than the compensation of persons employed therein, exceeds one thousand dollars, such contracts shall be in writing and made with the lowest and best bidder after advertising for not less than two or more than four consecutive weeks in a newspaper of general circulation within the village. The bids shall be opened by the clerk of such village at twelve noon on the last day for filing them, and shall be publicly read by him.

731.20—Authentication and recording.

Ordinances, resolutions, and bylaws shall be authenticated by the signature of the presiding officer and clerk of the legislative authority of the municipal corporation * * * *

731.21—Publication of ordinances and resolutions; proof of publication and circulation.

All municipal ordinances, resolutions, statements, orders, proclamations, notices, and reports, required by law or ordinance to be published, shall be published as follows:

(A) In two English newspapers of opposite politics, published and of general circulation in the municipal corporation, if there are any such newspapers;

(B) If two English newspapers of opposite politics are not published and of general circulation in the municipal corporation, then in one such political newspaper and one other English newspaper published and of general circulation therein.

(C) If no English newspaper is published and of general circulation in the municipal corporation, then in any English newspaper of general circulation therein or by posting as provided in section 731.25 of the Revised Code, at the option of the legislative authority of such municipal corporation. Proof of the publication and required circulation of any newspaper used as a medium of publication as provided by this section shall be made by affidavit of the proprietor of either of such newspapers, and shall be filed with the clerk of the legislative authority.

Where the charter of a municipality contains provisions for publication of ordinances, such provisions are controlling. State v. Cleveland, 26 App 265, 160 NE 241.

731.22—Times of publication required.

The publication required in section 731.21 of the Revised Code shall be for the following times:

(A) Ordinances, resolutions, and proclamations of elections, once a week for two consecutive weeks;

(B) Notices, not less than two nor more than four consecutive weeks;

(C) All other matters shall be published once.

731.23—Publication and certification of ordinances in book form.

When ordinances are revised, codified, rearranged, published in book form, and certified as correct by the clerk of the legislative authority of a municipal corporation and the mayor, such publication shall be a sufficient publication, and the ordinances so published, under appropriate titles, chapters, and sections, shall be held the same in law as though they had been published in a newspaper. A new ordinance so published in book form, which has not been published as required by sections 731.21 and 731.22 of the Revised Code, and which contains entirely new matter, shall be published as required by such sections. If such revision or codification is made by a municipal corporation and contains new matter, it shall be a sufficient publication of such codification, including the new matter, to publish, in the manner required by such sections, a notice of the enactment of such codifying ordinance, containing the title of the ordinance and a summary of the new matters covered by it. Such revision and codification may be made under one ordinance containing one or more subjects.

Except as provided by this section, all ordinances, including emergency ordinances, shall be published in accordance with section 731.21 of the Revised Code.

731.24—Certificate of clerk as to publication.

Immediately after the expiration of the period of publication required by section 731.22 of the Revised Code, the clerk of the legislative authority of a municipal corporation shall enter on the record of ordinances, in a blank to be left for such purpose under the recorded ordinance, a certificate stating in which newspaper and on what dates such publication was made, and shall sign his name thereto officially. Such certificate shall be prima-facie evidence that legal publication of such ordinance was made.

731.25—Publication when no newspaper in municipal corporation.

In municipal corporations in which no newspaper is printed as defined in section 7.12 of the Revised Code, publication of ordinances, resolutions, statements, orders, proclamations, notices, and reports, required by law or ordinance to be published, shall be published in either of the following methods, to be determined by the legislative authority:

(A) By posting copies thereof in not less than five of the most public places in the municipal corporation, to be determined by the legislative authority, for a period of not less than fifteen days prior to the taking effect thereof;

(B) By publication thereof in any newspaper printed in this state and of general circulation in such municipal corporation.

Notices to bidders for the construction of public improvements and notices of the sale of bonds shall be published in not more than two newspapers, printed in this state and of general circulation in such municipal corporation, for the time prescribed in section 731.22 of the Revised Code.

Where such publication is by posting, the clerk shall make a certificate as to such posting, and as to the times when and the places where such posting is done, in the manner provided in section 731.24 of the Revised Code, and such certificate shall be prima-facie evidence that the copies were posted as required.

731.29—Ordinances and measures subject to referendum.

Any ordinance or other measure passed by the legislative authority of a municipal corporation shall be subject to the referendum except as provided by section 731.30 of the Revised Code * * * *
* * * * Sections 731.28 to 731.41, inclusive of the Revised Code do not prevent a municipal corporation, after the passage of any ordinance or other measure, from proceeding at once to give any notice or make any publication required by such ordinance or other measure.

731.51—Notice to owner to cut noxious weeds; service.

* * * * If the address of such owner is unknown, it shall be sufficient to publish such notice once in a newspaper of general circulation in the county.

CHAPTER 735: PUBLIC SERVICE

735.05—Contracts, material, and labor.

The director of public service may make any contract, purchase supplies or material, or provide labor for any work under the supervision of the department of public service involving not more than one thousand dollars. When an expenditure within the department, other than the compensation of persons employed therein, exceeds one thousand dollars, such expenditure shall first be authorized and directed by ordinance of the legislative authority of the city. When so authorized and directed, the director shall make a written contract with the lowest and best bidder after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the city.

735.11—Powers and duties.

Subject to the approval of the director of public service, the commission appointed under section 735.10 of the Revised Code may acquire in the name of the city, by purchase or appropriation, land for city hall purposes, and may employ architects and approve plans and specifications. It shall make, in the name of the city, all contracts necessary for the construction and furnishing of such city hall, which shall be made after advertisement and bidding as provided by sections 735.05 to 735.09, inclusive, of the Revised Code, and shall be subject to the approval of the director. The commission shall keep a full record of its proceedings.

735.20—Notice of completion of plans.

When a whole plan, or any portion thereof, as provided for in section 735.19 of the Revised Code is completed, or when the location of any avenue, street, roadway, or alley has been finally determined by the platting commissioner of a city, a plat of the plan, avenue, street, roadway, or alley shall

be placed in the office of the city engineer for the inspection of persons interested, and notice that it is ready for inspection shall be published in one or more newspapers, of general circulation within the city, for six consecutive weeks.

735.25—Joint platting commission by adjoining municipal corporations.

When municipal corporations adjoin each other, the legislative authorities thereof may agree, in any manner they determine, upon the appointment of a joint commission for the purposes of sections 735.17 to 735.24, inclusive, of the Revised Code. Such commission, when appointed, shall have all the power over the territory of the municipal corporations described in the resolutions of the legislative authorities thereof that is given by such sections to a commissioner appointed by a single legislative authority.

735.26—Amendment of plans.

Plans made under sections 735.19 to 735.24, inclusive, of the Revised Code, may be amended after adoption, by like proceedings by which they were originally adopted.

735.29—General powers and duties.

The board of trustees of public affairs appointed under section 735.28 of the Revised Code shall manage, conduct, and control the water works, electric light plants, artificial or natural gas plants, or other similar public utilities, furnish supplies of water, electricity, or gas, collect all water, electric, and gas rents, and appoint necessary officers, employees and agents.

The board may make such bylaws and regulations as it deems necessary for the safe, economical, and efficient management and protection of such works, plants, and public utilities. Such bylaws and regulations, when not repugnant to municipal ordinances or to the constitution or laws of this state, shall have the same validity as ordinances * * * *

The board shall have the same powers and perform the same duties as are provided in sections * * * 735.05 to 735.09, inclusive, of the Revised Code * * * *

The board of public affairs of a village may not make any contract or purchase of supplies of material for any work under the supervision of the board of public affairs involving more than $500 unless such expenditure is first authorized and directed by ordinance of council, and thereafter the board of public affairs has made a written contract with the lowest and best bidder after advertisement for not less than two or more than four consecutive weeks in a newspaper of general circulation within the village; and if either the requirement of authorization and direction by ordinance of council or of advertisement for bids has been omitted, such contract imposes no valid obligations upon the village. Hommel & Co. v. Woodsfield, 115 OS 675., 155 NE 386. (1927).

CHAPTER 737: PUBLIC SAFETY

737.32—Sale of unclaimed property; disposition of proceeds.

Property unclaimed for the period of ninety days shall be sold by the chief of police of the municipal corporation, marshal of the village, or licensed auctioneer at public auction, after giving due notice thereof by advertisement, published once a week for three successive weeks in a newspaper of general circulation in the county * * * *

CHAPTER 743: ELECTRIC; GAS; WATER

743.11—Bond of contractor; emergency.

Before entering into any contract for work to be done concerning the water works of the municipal corporation, the director of public service shall require bond to be given, with good and sufficient surety, for the faithful

performance of the work. In case of emergency the legislative authority of the municipal corporation may, by a two-thirds vote of all the members elected thereto, authorize the director to enter into such contract without advertising.

743.39—Right of eminent domain in municipal corporations for public service enterprises.

743.40—Manner of appropriation; restrictions thereon.

Appropriation of lands under section 743.39 of the Revised Code shall be made in accordance with sections 719.01 to 719.21, inclusive * * * *

CHAPTER 745: STREET RAILWAYS

745.07—Submission of ordinance to electors; notice of election.

[This section relates to the purchase of a public utility by a municipal corporation and for the submission of an ordinance to electors at a special or general election.]

* * * * Thirty days' notice of the election shall be given by publication once a week for four consecutive weeks in two daily or weekly newspapers published or circulated in the municipal corporation, which notice shall contain a full form or phrasing of the question to be submitted * * * *

CHAPTER 747: RAPID TRANSIT COMMISSION

747.05—Control and expenditure of funds; contracts for work.

* * * * The board may let contracts for any part of the work to the lowest and best bidder after three weeks' advertisement in two newspapers of general circulation in the city * * * *

747.11—Power to lease depots and terminals; submission of question to electors.

[The board of rapid transit commissioners may grant to any corporation organized for street or interurban railway purposes the right to operate depots and terminals constructed by the board. The agreement whereby such right of use is granted is subject to approval by the electors of the city, in a special or general election.]

* * * * Thirty days' notice of the election shall be given in one or more of the newspapers printed in the city, once a week for four consecutive weeks prior to the time of holding such election, setting forth the terms of the lease or agreement and the time of holding the election. On the approval of a majority of the voters voting at such election, the corporation may operate such depots, terminals, and railways * * * *

747.12—Sale or lease of unused real estate; procedure; proceeds from sale; execution of contract.

Whenever the board of rapid transit commissioners of a city declares by resolution that real estate of the city acquired for rapid transit purposes is not needed for the proper conduct and maintenance of such rapid transit system, such real estate may be sold or leased by the board to the highest bidder after advertisement once a week for three consecutive weeks in a newspaper of general circulation within the city. The board may reject any bid and re-advertise until all such property is sold or leased * * * *

CHAPTER 749: HOSPITALS

749.11—Advertise for proposals.

The board of hospital commissioners shall not enter into any contract for work or materials for the erection of a hospital building, except as relates to procuring plans, drawings, specifications, and forms of bids, without first giving thirty days' notice in one or more newspapers of general circulation in the municipal corporation that sealed proposals will be received for doing the work or furnishing the materials.

749.26—Procedure before entering into contracts.

The board of hospital trustees, before entering into any contract for the erection of a hospital building, the cost of which exceeds one thousand dollars, shall have plans, specifications, detailed drawings, and forms of bids prepared, and when adopted by the board it shall have them printed for distribution among the bidders.

749.28—Notice for bids.

The board of hospital trustees shall not enter into a contract for work or supplies where the estimated cost thereof exceeds one thousand dollars, without first giving thirty days' notice in one newspaper of general circulation in the municipal corporation that sealed proposals will be received for doing the work or furnishing the materials and supplies.

CHAPTER 755: PARKS; RECREATION

755.30—Notice for proposals.

The board of park trustees shall not enter into any contract for work or supplies, where the estimated cost thereof exceeds one thousand dollars, without first giving thirty days' notice in one newspaper of general circulation in the municipal corporation that sealed proposals may be received for doing the work or furnishing such materials and supplies.

CHAPTER 757: MUSIC; MUSEUMS

757.02—Certification of resolution to board of elections; conduct of election.

[The taxing authority of any municipal corporation is required, if a petition is filed with it, to present to the electors the question whether a special tax should be collected annually for five years, to maintain a municipal orchestra or band.]

* * * * Section 5705.25 of the Revised Code relating to the arrangements for and the conduct of such election, publication thereof, and form of ballot therefor, shall apply to such proposal to the electorate * * * *

CHAPTER 759: CEMETERIES

759.47—Sale of old approach.

Land belonging to a public cemetery and used for an approach thereto, and which is, in the judgment of a majority of the officers having control or management thereof, unnecessary for cemetery purposes, may be sold by them at public sale to the highest bidder after advertisement once a week for five consecutive weeks in a newspaper of general circulation within the county in which the cemetery is situated * * * *

TITLE IX: AGRICULTURE—ANIMALS—FENCES

CHAPTER 903: OHIO AGRICULTURAL EXPERIMENT STATION

903.10—Petition for vote for experiment farm.

Upon the filing with the county auditor of a petition signed by not less than five per cent of the electors, based upon the vote for governor at the last preceding election, residing within the county, the board of county commissioners of such county shall submit to the qualified voters a proposition to establish an experiment farm, and to issue notes or bonds for the purchase and equipment of such farm, such proposition to be voted upon at the next general election following the receipt of the petition by the board.

Notice of the intention to submit such proposition shall be published by the board in two newspapers, of opposite politics, printed and of general circulation in said county, for at least four weeks prior to the election at which the proposition is to be voted upon, together with a statement of the maximum amount of money which it is proposed to expend in the purchase and equipment of such farm.

903.21—Sale of unused farm.

In case the Ohio agricultural experiment station shall cease to use any county experiment farm for the purposes specified in section 903.18 of the Revised Code, such farm and its equipment shall be sold at public auction to the highest bidder after notice of such proposed sale shall have been published for four consecutive weeks in two newspapers of opposite politics, once a week, published in and having the largest circulation in the county within which the farm is located * * * *

CHAPTER 907: AGRICULTURAL SEEDS

907.01—Definitions.

* * * * (I) "Advertisements" means all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within sections 907.01 to 907.14, inclusive, of the Revised Code * * * *

(T) Subject to such tolerances as the director may prescribe under sections 907.01 to 907.14, inclusive of the Revised Code:

(1) "False labeling" means any labeling which is false or misleading.

(2) "False advertisement" means any advertisement which is false or misleading * * * *

907.02—Use of words.

No person shall use, orally or in writing, relative to any agricultural seeds, tubers for seeding purposes, or plants sold, advertised, or offered for sale in this state, "certified," "registered," or "foundation," alone or with other words, or use any other term or form of words which suggest that there had been inspection or certification, unless such seeds, tubers, or plants have been certified by an inspection agency designated as provided in this section * * * *

907.05—Words prohibited in advertising.

"State tested" or "State," or the name of the department of agriculture, or of the state seed laboratory, shall not be used for advertising or other purposes in connection with any analysis or test of any seed, or with any seed label, price list, or literature, or in any other way, to give the impression

that the state guarantees the data on any seed label or assumes the responsibility for the quality of the seed covered by such seed label, advertising, or literature.

907.08—Enforcement; inspection and analysis of seeds.

(A) The director of agriculture shall enforce sections 907.01 to 907.14, inclusive, of the Revised Code. The director shall:

* * * * (2) Prescribe, and after hearing, following due public notice, adopt rules and regulations governing the methods of sampling, inspecting, analysis, tests, and examinations of agricultural and vegetable seeds, and the tolerances to be followed in the administration of such sections, which shall be in general accord with officially prescribed practice in interstate commerce, and such other rules and regulations as are necessary to secure the efficient enforcement of such sections * * * *

907.14—Jurisdiction.

When the director of agriculture finds that any person has violated sections 907.01 to 907.14, inclusive, of the Revised Code, he may institute proceedings in a court of competent jurisdiction in the locality in which the violation occurred to have such person convicted therefor, or he may file with the attorney general or the prosecuting attorney in the county where the violation took place, with view of prosecution, the necessary evidence * * * * After judgment by the court, the director shall publish any information pertinent to the issuance of judgment, in such media as he designates.

907.20—Inspection.

Any officer, agent, or individual authorized by the director of agriculture for that purpose, may, during all reasonable hours, enter and inspect any establishment owned or operated by the licensee within this state for the propagation or preparation of any seed, soil, or plant inoculant. The director may purchase in the open market, by authorized inspectors, samples of seed, soil, or plant inoculants which are or may be offered or exposed for sale. These samples shall be transmitted to the Ohio agricultural experiment station for analysis, examination, and testing. The director of said experiment station shall cause such samples to be analyzed, examined, or tested; report the results thereof to the director of agriculture; and in such report state whether the label or any advertising relating to the inoculant is false or misleading. The director of agriculture shall publish in bulletins the findings and other pertinent matter relating to such inoculants.

CHAPTER 911: BAKERIES

911.34—Enforcement; rules and regulations.

(A) The director of agriculture shall enforce sections 911.31 to 911.35, inclusive, of the Revised Code, and shall make, amend, or rescind rules, regulations, and orders for the efficient enforcement of such sections.

(C) * * * * If the director finds there is an existing or imminent shortage of any ingredient required by sections 911.31 to 911.35, inclusive, of the Revised Code * * * the director shall, within twenty days, hold a public hearing with respect to such shortage at which hearing any interested person may present evidence. The director shall make findings based upon the evidence presented. The director shall publish notice of any such hearing at least ten days prior to the hearing.

If the director believes that such shortage no longer exists, he shall hold a public hearing, after at least ten days' notice has been given, at which any interested person may present evidence, and the director shall make findings

based upon the evidence so presented. If he finds that such shortage no longer exists, he shall issue an order to become effective not less than thirty days after publication of such order, revoking the previous order * * * *

(D) All orders, rules, and regulations adopted by the director under sections 911.31 to 911.35, inclusive, of the Revised Code, shall be published in the manner prescribed in division (E) of this section, and, within the limits specified by such sections, shall become effective upon the date fixed by the director.

(E) Whenever publication of any notice, order, rule, or regulation is required by such sections, such publication shall be made at least three times in at least one daily newspaper of general circulation printed and published in this state * * * *

CHAPTER 917: DAIRIES

917.15—Plans of operation.

As individuals or through one or more co-operative associations, producers supplying milk or cream to dealers in any market, may petition the director of agriculture to approve a plan of weighing, sampling, or testing milk or cream, or of auditing payments to producers and schedule of uses, or petition that such functions be performed more frequently than they are ordinarily performed by the director. When such a petition is filed, after public hearing held in the market by the director after two weeks' notice thereof in a newspaper of general circulation in the market, * * *

CHAPTER 923: INSPECTION OF FEEDSTUFFS

923.28—Prohibition.

No person shall:

* * * * (D) Disseminate any advertisement which is false or misleading in a material respect; but no person or medium for the dissemination of any advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, is subject to the penalties for violations of sections 923.21 to 923.34, inclusive, of the Revised Code, by reason of the dissemination by him of such false advertisement, unless he refused, on the request of the director, to furnish the name and address of the manufacturer, packer, distributor, seller, or advertising agency which caused him to disseminate such advertisement.

CHAPTER 941: ANIMAL DISEASES

941.53—Area plan of testing for tuberculosis.

* * * * Whenever seventy-five per cent of all the cattle in a county or township enrolled in the area plan has been tuberculin tested, the department shall publish a notice of such fact in two newspapers of general circulation in the county or township, and after a period of thirty days from the publication of the notice that seventy-five per cent of the cattle has been tuberculin tested, the department may place under quarantine all herds of dairy, feeding, and breeding cattle in the county or township * * * *

941.93—Enforcement of sections.

The director of agriculture shall enforce sections 941.91 to 941.95, inclusive, of the Revised Code, and may prescribe official forms to be used for certificates, prescribe tags for identification of animals, and may make such rules and regulations as may be necessary and proper for such enforcement. The rules and regulations of said director, when prescribed and adopted, shall be published, and notice given of the same according to law.

CHAPTER 951: ANIMALS RUNNING AT LARGE; STRAYS

951.11—Estrays.

A person finding an animal at large in violation of section 951.02 of the Revised Code, may, and a constable of a township, township trustee or township highway superintendent, or the street commissioner in a township, or village, or a police officer of a city or a marshal of a village, on view or information, shall take and confine such animal, forthwith giving notice thereof to the owner * * * If the owner does not appear and claim the animal and pay all charges for so taking, advertising, and keeping it within ten days from the date of such notice, such person or official shall have a lien therefor and the animal may be sold at public auction as provided in section 1311.49 of the Revised Code, and the residue of the proceeds of the sale shall be paid and deposited by the treasurer in the general funds of the said village, city, or township.

TITLE XI: BANKS—BUILDING AND LOAN ASSOCIATIONS

CHAPTER 1103: BANKS—GENERALLY

1103.05—Publication of notice of proposed bank.

The persons incorporating a bank under section 1103.02 of the Revised Code shall, at or before the time the articles of incorporation are forwarded to the secretary of state, publish notice of the proposed incorporation in a newspaper published in the place where such bank is to be located, and if no newspaper is published in such place, then in the newspaper published nearest thereto. Such notice shall specify the name of the proposed bank, its location, the amount of its proposed capital, and the names of the persons who propose to incorporate it. Such notice shall be published for two weeks and a certified copy of it shall be furnished to the superintendent of banks.

1103.15—Directors may sell stock for amount of unpaid subscription.

When a stockholder or his assigns fails to pay an installment on a stock subscription made under section 1103.13 of the Revised Code, as required by the board of directors, the board may sell the stock at public sale * * * and must also have advertised the sale for five days in a paper of general circulation within the county in which the corporation is located * * * *

1103.18—Authorization to commence business.

If upon examination pursuant to section 1103.17 of the Revised Code and of any pertinent facts which come to his knowledge, the superintendent of banks finds that the corporation is entitled to commence business, he shall give it a certificate under his hand and official seal stating that it has complied with all the requirements of law and is authorized to commence business.

The corporation shall cause such certificate to be published, in some newspaper printed in the municipal corporation or county where it is located, once a week for four successive weeks, or if no newspaper is published in such county, then in a newspaper published at the nearest county seat * * * *

1103.21—Code of regulations.

A code of regulations for a bank organized under section 1103.02 of the Revised Code may be adopted or changed by the assent in writing of two thirds of the stockholders in number and in amount, at a meeting held for that purpose, notice of which has been given by the president, the secretary, or any

two directors, personally or by written notice, to each stockholder, and by publication for thirty days in some newspaper of general circulation in the county in which the corporation is located.

1103.31—Amendments to articles.

* * * * No bank shall reduce its capital below the minimum required by section 1103.10, 1103.11, or 1103.12 of the Revised Code. Notice of any such reduction shall be published once, in a newspaper of general circulation in the municipal corporation or county in which the bank is doing business, within thirty days after the effective date of such reduction * * * *

1103.36—Voluntary liquidation.

* * * * When the superintendent consents to a liquidation, the bank to be liquidated shall immediately publish notice of the liquidation once a week for four consecutive weeks in a newspaper of general circulation published in the place in which such bank is located, and if none is there published, then in one published in the place nearest thereto. If such bank is to be liquidated as provided in the first paragraph of this section, such notice shall set forth that fact and shall notify creditors to present their claims against the bank for payment * * * *

1103.37—Conversion, consolidation, or transfer of assets and liabilities.

[Procedure of consolidation of a national banking association located in Ohio, and a bank organized under the laws of Ohio.]

* * * * Notice of a consolidation or transfer of assets and liabilities made pursuant to division (B), (C), or (D) of this section shall be given by publication in a newspaper of general circulation in the county in which the principal office of each bank, party to such consolidation or transfer, is located. Such notice shall be published once each week for four consecutive weeks immediately following the effective date of such consolidation or transfer, and a certified copy of such notice shall be filed in the office of the superintendent * * * *

1103.42—General provisions applicable.

A banking corporation shall be created, organized, governed, and conducted, and its directors shall be chosen, in all respects in the same manner as is provided by sections 1701 to 1701.98, inclusive, 1702.01 to 1702.43, inclusive, of the Revised Code, for corporations generally, in so far as such manner is not inconsistent with Chapters 1101., 1103., 1105., 1107., 1109., 1111., 1113., and 1115., of the Revised Code.

CHAPTER 1107: TRUST COMPANIES

1107.19—Retirement of foreign trust company from state.

Notice of the proposed retirement from this state of any foreign trust company shall be published once each week for four consecutive weeks in a newspaper of general circulation in the municipal corporation in which the principal place of business of such company is located within this state, and proof of such publication shall be filed with the superintendent of banks * * * *

CHAPTER 1111: REGULATION OF BANKS

1111.22—Reports to superintendent three times a year.

Every bank shall make to the superintendent of banks three reports during each calendar year in any form which is prescribed by him * * * In the form prescribed by the superintendent a verified summary of such report shall be published conspicuously in a newspaper published in the place where such bank is established, or if there is no newspaper in the place then in the one

published nearest thereto in the same county, at the expense of such bank; and such proof of such publication shall be furnished to the superintendent as he requires. Each such report and published summary shall specifically set forth the total amount of money borrowed by the bank, the total amount of public funds deposited in the bank, and the kind, character, and book value of any assets of the bank pledged by it together with the purpose for which they are pledged. In the case of a trust company or of a bank having a trust department or doing a trust business, such report and published summary shall clearly set forth the amount of moneys deposited by the trust department in any other department of the bank, together with a statement that such moneys constitute a preferred claim against the assets of the bank under section 1107.12 of the Revised Code. Each report made to the superintendent, and the proof of publication thereof furnished to him, shall be preserved by the superintendent for ten years after the date thereof. Such reports, proofs of publication, correspondence, and copies of correspondence pertaining to a bank the affairs of which have been completely liquidated by the superintendent need be preserved by him only for five years after the date of the deposit of uncalled-for dividends and unclaimed deposits with the treasurer of state or with the county treasurer of the county in which the principal office of such bank was located * * * After the expiration of the period specified in this section, the superintendent may destroy all such reports, proofs of publication thereof, and correspondence received and copies of correspondence mailed relative thereto.

1111.23—Special reports.

The superintendent of banks may call for a special report whenever in his judgment it is necessary to inform him fully of the condition of any bank. Such report shall be in the form prescribed by the superintendent and by section 1111.22 of the Revised Code, shall be transmitted to the superintendent within five days after the receipt of a requisition therefor from him, shall be verified as provided in section 1111.22 of the Revised Code, and shall be published as provided in such section if such publication is required by the superintendent * * * *

CHAPTER 1113: POSSESSION OF BANKS BY SUPERINTENDENT

1113.02—Conservatorship.

Whenever the superintendent of banks deems it necessary, in order to conserve the assets of any bank for the benefit of the depositors and other creditors of such bank, he may appoint a conservator for such bank, fix his compensation, remove him, and require * * * The conservator shall take possession of the business and property of such bank and, under the supervision of the superintendent * * *

Upon taking possession of the assets of such bank, the conservator may give notice thereof to all persons holding or having possession of any assets of such bank * * * *

If the superintendent becomes satisfied that it may safely be done and that it would be in the public interest, he may terminate the conservatorship and permit such bank to resume the transaction of its business, subject to such terms and restrictions as he prescribes, and if a plan for terminating such conservatorship has been submitted to the depositors and stockholders of such bank, such terms may include a requirement that such plan, upon proper application, be submitted to the court of common pleas of the county in which the principal office of such bank is located, and that not less than two weeks' notice be given, by publication or otherwise, as the court directs, to depositors, creditors, and stockholders of such bank, notifying them of the time and place of the hearing of such application * * * *

1113.04—Notice of taking possession.

Upon taking possession of the business and property of a bank under section 1113.03 of the Revised Code, the superintendent of banks shall forthwith: * * * *

(B) Give notice, by advertisement in one newspaper published and of general circulation in each county in which an office of such bank is located, once a week for four consecutive weeks, calling on all persons who have claims against such bank to present such claims to him and to make legal proof of them at a place and within a time specified in such notice * * * *

1113.06—Notice to file claims not appearing on books.

At any time subsequent to the expiration of the date for filing claims as fixed by the superintendent of banks under section 1113.04 of the Revised Code, he may give notice, by publication once a week for four consecutive weeks in a newspaper of general circulation in the county in which the principal office of a bank of whose business and property he has taken possession under section 1113.03 of the Revised Code is located, requiring the presentation and proof of all general claims against such bank, which claims are not filed and do not appear upon the books of the bank, at a place and time to be fixed in such notice, which time shall be not less than sixty days subsequent to the date of the last publication of such notice.

All claims not filed in accordance with this section shall be forever barred from participation in any of the assets of such bank, and such notice shall so state.

1113.08—Inventory of assets; listing of liabilities; report of liquidation.

As soon as practicable after taking possession of the business and property of a bank, the superintendent of banks shall make an inventory of the assets of such bank, showing as to each asset the face amount, the value as carried on the books of the bank, and the security for such asset in whatever form such security exists * * * Such assets shall be listed in such groups or classes as are, in the opinion of the superintendent, proper to afford full information as to their character and book value * * * *

Upon the expiration of the time fixed for the presentation of claims by the notice provided for in division (B) of section 1113.04 of the Revised Code, the superintendent shall make in duplicate a complete list of the claims presented * * * The superintendent shall in like manner, at intervals not exceeding six months each, make and file supplemental lists showing all claims presented which have not been exhibited in any claims list theretofore filed * * * *

The superintendent shall give notice of the filing of each list of claims, by publication once a week for two consecutive weeks in a newspaper of general circulation in the county in which the proceedings for liquidation of the business and property of such bank are pending, calling upon all persons objecting to any claim set forth in such list and not shown by such list to have been rejected by him, to present their objections in the manner provided in section 1113.11 of the Revised Code. If no such objection is filed within fifteen days after the date of the second publication of such notice, the claims so listed shall be considered correct, and all persons shall be forever barred from objecting to any such claims or to the payment thereon * * * *

1113.12—Powers and duties of superintendent upon taking possession.

(A) The superintendent of banks, upon taking possession of the business and property of any bank, shall have the following powers, authority, and duties, without notice and without approval of court, but subject to Chapters 1101., 1103., 1105., 1107., 1109., 1111., 1113., and 1115. of the Revised Code: * * * *

(C) In case of doubt or difficulty, the superintendent may ask the instructions of such court, or a judge of such court, as to the manner in which he

should exercise his powers and discretion. He shall not be directed or restrained in the exercise of his powers or discretion otherwise than in a suit in equity in which it is alleged and proved that he has exceeded or abused such powers and discretion.

(D) The superintendent shall give notice of the hearing of each application made by him pursuant to this section by publication in a newspaper of general circulation in the county in which the proceedings for the liquidation of such bank are pending. Each such notice shall be published once and shall set forth the time when such application is to be heard, which shall be not less than ten days after such publication, but such court or judge may by order dispense with such publication at any time before the expiration of said ten-day period * * * *

1113.13—Power to borrow money.

The superintendent of banks, or the liquidating agent, receiver, or other persons in charge of the property and affairs of closed banks, may, upon the order of the court of common pleas of the county in which the principal office of such bank is located, borrow money * * * * The superintendent, or the liquidating agent, receiver, or other persons in charge of the affairs of such bank, shall make application to said court for approval of such loan and such giving of security.

Notice of such application shall be given by publication once each week for two consecutive weeks, upon any week day, in a newspaper of general circulation in said county, and by notice of the time and place of such application, from the superintendent or from the liquidating agent, receiver, or other persons in charge of its affairs, to such bank, by service of a copy of such application upon an officer of such bank or upon a majority of its directors acting at the time it was closed.

Hearing on such application shall be had not less than ten days after the first publication of such notice * * * *

1113.18—Dividends.

As soon as practicable after the date fixed for the presentation of claims against a bank of whose business and property he has taken possession under section 1113.03 of the Revised Code, the superintendent of banks may, out of the funds remaining in his hands after the payment of expenses, declare liquidating dividends. Each such dividend shall be paid to such persons, in such manner and amounts, and upon such notice, as may be directed by the court of common pleas in which the proceedings for the liquidation of such bank are pending * * * *

1113.23—Resumption of business upon conditions approved by court.

A bank of whose business and property the superintendent of banks has taken possession under section 1113.03 of the Revised Code may, with the consent of the superintendent, resume business upon such conditions as are approved by the court of common pleas of the county in which such bank is located * * * *

If the superintendent consents and it is deemed necessary and proper by the court, such conditions may include a requirement that not less than two weeks' notice be given by publication or otherwise, as the court finds reasonable and directs, to the depositors, creditors, and stockholders of such bank * * * *

1113.28—Stockholders' meeting to be called after payment of creditors.

Whenever the superintendent of banks has paid to each depositor and creditor of a bank of whose business and property he has taken possession under section 1113.03 of the Revised Code, not including its stockholders, whose claims as such depositor or creditor have been proved and allowed, the full amount of such claims, has made proper provision for unclaimed or unpaid deposits or

dividends, and has paid all the expenses of the liquidation, the superintendent shall call a meeting of the stockholders of such bank, by giving notice for four consecutive weeks in one or more newspapers published in the county in which the office of such bank was located * * * *

CHAPTER 1115: BANKS—MISCELLANEOUS PROVISIONS

1115.19—Misapplication of funds and false representations.

No officer, employee, agent, or director of a bank shall * * * publish a false statement or report relating to the financial condition of the bank with intent to defraud or injure it or another person or corporation.

1115.24—False advertisement of capital.

No bank shall advertise, by newspaper, letterhead, or in any other way, a larger capital than actually has been paid in * * * *

CHAPTER 1151: BUILDING AND LOAN ASSOCIATIONS—GENERALLY

1151.11—Notice of meetings of shareholders.

Whenever shareholders of a building and loan association are required or authorized to elect directors or to take any other action at a meeting, either annual or special, a notice of the meeting shall be given either by publication, once each week on the same day of the week for three consecutive weeks immediately preceding the date of the meeting, in a newspaper printed and of general circulation in the country in which the principal office of the association is located, of notice containing the name of the association and the purpose, place, date, and hour of the meeting, or by notice served upon or mailed to shareholders as provided in section 701.49 of the Revised Code.

CHAPTER 1155: REGULATION OF BUILDING AND LOAN ASSOCIATIONS

1155.08—Form, contents, and time of filing reports.

The reports required from a building and loan association by section 1155.07 of the Revised Code shall be in such form and contain such information as is prescribed by the superintendent of building and loan associations * * * * The annual statement of assets and liabilities shall be published in a newspaper or periodical, regularly issued and of general circulation in the county in which such association is located. A copy of the statement as published shall be available for public inspection * * * *

1155.12—Superintendent may publish results of examination.

If the superintendent of building and loan associations deems it to the interest of the public, he may publish the results of the examination of a building and loan association in a newspaper of general circulation in the county in which such association is located, if it is a domestic association, and in some newspaper published in Columbus if it is a foreign association.

CHAPTER 1157: POSSESSION OF BUILDING AND LOAN ASSOCIATIONS BY SUPERINTENDENT

1157.02—Procedure upon taking possession.

Upon taking possession of the business and property of a building and loan association under section 1157.01 of the Revised Code, the superintendent of building and loan associations shall forthwith: * * * *

(B) Give notice, by advertisement in one newspaper published and of gen-

eral circulation in each county in which an office of such association is located once a week for four consecutive weeks, calling upon all persons who have claims against such association to present such claims to him and make legal proof thereof at a place and within a time not later than the last day specified in such notice * * * *

1157.06—Inventory of assets; lists of liabilities and claims; report of liquidation.

As soon as practicable after taking possession of the business and property of a domestic building and loan association, the superintendent of building and loan associations shall * * * prepare a record of the liabilities of such association * * * make in duplicate, a complete list of the claims presented * * * * The superintendent shall in like manner, at intervals of not more than six months, make and file supplemental lists showing all claims presented which have not been exhibited in any list theretofore filed. Such first list and each supplemental list shall indicate the character and disposition of each claim listed in it.

The superintendent shall give notice of the filing of each list of claims by publication once a week for two consecutive weeks in a newspaper of general circulation in the county in which the proceedings for liquidation of the business and property of such association are pending, calling upon all persons objecting to any claim set forth in such list, and not shown by such list to have been rejected by him, to present their objections in the manner provided in section 1157.08 of the Revised Code. If no such objection is filed within fifteen days after the date of the second publication, such claims shall be considered correct and all persons shall be forever barred from objecting to any such claim or to its payment; * * * *

1157.11—Hearing of superintendent's application to exercise powers.

The superintendent of building and loan associations shall give notice of the hearing of each application made under section 1157.10 of the Revised Code by publication in a newspaper of general circulation in the county in which the proceedings are pending. If the application is to sell, exchange, or otherwise dispose of, in bulk, all the assets of a building and loan association, or a part of such assets the book value of which part exceeds ten per cent of the book value of all its assets, such notice shall be published once a week for four consecutive weeks on the same day of each week. In the case of any other application made wholly or partly under division (B) of section 1157.10 of the Revised Code, or made under division (A) or division (C) of such section, such notice shall be published once. In the case of any application made wholly or partly under division (D) of section 1157.10 of the Revised Code, such publication shall be made once a week for two consecutive weeks on the same day of the week. In the case of any application to sell, exchange, or otherwise dispose of all or a substantial part of the assets of such association in bulk, or made wholly or partly under said division (D), a copy of the notice shall be served upon an officer, or upon a majority of the directors, of such association acting at the time the superintendent took possession of its property and business. Each notice published or served under this section shall set forth the time when such application is to be heard, which shall be not less than ten days after the service or first publication of such notice, except that if the application is to sell, exchange, or otherwise dispose of all or a substantial part of the assets of such association in bulk, such application shall be heard not less than thirty days after the first publication of such notice * * * *

1157.15—Application to court for instructions.

The superintendent of building and loan associations, upon taking possession of the property and business of any domestic building and loan association under sections 1157.01 to 1157.29, inclusive, of the Revised Code, may, in case

of doubt or difficulty, ask, by written application, for the instructions of the court of common pleas in which the liquidation proceedings provided for in such sections are pending as to the manner in which he should exercise his powers and discretion. Notice of the hearing of any such application shall be given in the manner prescribed by section 1157.11 of the Revised Code with respect to applications made under divisions (A), (B), or (C) of section 1157.10 of the Revised Code and any person entitled to be heard on any application mentioned in section 1157.10 of the Revised Code shall be likewise entitled to be heard on the application provided for in this section * * * *

1157.23—Self-liquidation by order of superintendent.

In lieu of taking possession of the business and property of a domestic building and loan association, the superintendent of building and loan associations may, for any of the causes specified in section 1157.01 of the Revised Code, and with the written approval of the director of commerce, order such association to liquidate its business and property * * * *

The order provided for in this section shall contain a direction to such association to publish such order once a week for two consecutive weeks in a newspaper of general circulation in all counties in which any office of such association is located, and to post a copy of such order in a prominent and public place in each such office. The superintendent shall require of such association proof of such publication and posting, which shall be in lieu of the publication and notice required by section 1701.89 of the Revised Code * * * *

TITLE XIII: COMMERCIAL TRANSACTIONS

CHAPTER 1311: LIENS

1311.19—Service.

Any notice, affidavit, or copy required to be served under sections 1311.01 to 1311.68, inclusive, of the Revised Code, also may be served by the sheriff of the county within which the person sought to be served is resident, in the manner and form, and for which he shall be entitled to the fees provided for service of summons in a civil action for money only, or the same may be served by registered letter to such person, and proof that such notice, affidavit, or copy was mailed by registered letter to the last known place of residence of such person, is conclusive proof of service. In any proceeding to enforce the lien granted under such sections service may be made by publication as in civil actions.

1311.45—Contractor to be notified of time of payment.

Each contractor or subcontractor shall have at least five days' notice, in writing, of the time when a lien for labor, boarding, or materials furnished under a contract with him will be paid, which notice may be served upon him personally or upon his authorized agent or foreman, by the owner of the railroad, or any officer or agent thereof, stating therein the time of their payment * * * * If such notice cannot be served in the county where the lien is filed, it may be given by publication in some newspaper of general circulation therein, for the period of two weeks * * * *

1311.49—Sale of animal to satisfy claim.

A person feeding or furnishing food and care, or either, for any horse, mare, foal, filly, gelding, cattle, sheep, swine, mule, or ass, shall retain such animal for the period of ten days, at the expiration of which, if the owner or the person who had lawful possession of it does not satisfy such lien, the person having the lien may sell the animal at public auction, after giving the owner ten days' notice of the time and place of sale in a newspaper of general circulation in the county where the food was furnished or the care bestowed * * * *

1313.14—Notice of appointment.

Each assignee or trustee for the benefit of creditors appointed on the failure of the assignee of a debtor to qualify, within thirty days after giving bond, must give notice of his appointment in some newspaper of general circulation in the county for three successive weeks.

1313.22—Sale of real property.

Notice of the time and place of the sale of real property assigned for the benefit of creditors, shall be given by advertisement in some newspaper of general circulation in the county where such property is situated, for four consecutive weeks. The real property shall not be sold for less than two-thirds of the appraised value thereof, but shall be subject to reappraisement as upon execution at law.

1313.23——Sale of personal property.

Notice of the time and place of the sale of personal property assigned for the benefit of creditors shall be given for at least ten days prior to the day of sale, by advertisement in some newspaper of general circulation in the county, or by posting written or printed notices thereof in at least fifteen public places in the county, not less than five of which must be posted in the township in which the sale is to be held.

1313.45—Reports and settlements.

An assignee or trustee for the benefit of creditors must file an account with the probate court * * * Upon the filing of such accounts, the court shall fix a time for the hearing, and publish notice thereof as in the case of the filing of the account of an executor or administrators.

1313.46—Notice of filing accounts.

The probate judge shall cause notice of the filing of accounts by assignees or trustees for the benefit of creditors, and commissioners of insolvents, to be published in some newspaper of the county, specifying when such accounts will be heard, not less than three weeks after the publication of such notice, at which time it shall be competent for cause, to allow further time to file exceptions to such accounts. The costs of such notice, if more than one account is specified in the same notice, must be paid in equal proportions by the assignees, trustees, or commissioners, respectively.

1313.48—Dividends.

When, on settlement, a balance is shown in the hands of the assignee or trustee for the benefit of creditors, subject to distribution among the general creditors, a dividend shall be declared by the probate judge, payable therefrom equally among all the creditors entitled, in proportion to the amount of their respective claims against the assignor, including those disallowed, which the claimant has begun suit to establish as required in section 1313.39 of the Revised Code, and claims held under advisement. Notice of the making of such a dividend, and the time and place of its payment, shall be given by advertisement once, in a newspaper published and of general circulation in the county in which such trust is administered, and in such other way as the court orders. A report must be made within sixty days after the date fixed of the dividends paid and of those uncalled for and unpaid at that time. The court then shall cause a new notice to be given to the owners of unpaid dividends, in such way as it directs * * * *

CHAPTER 1321: SMALL LOANS

1321.04—Investigation by division; notice of filing of application; notice to licensees; license issued; denial of application.

Upon the filing of an application under section 1321.03 of the Revised Code, payment of the fees, and the execution and filing of the bond, the division of securities shall investigate the facts concerning the applicant and the requirements provided for in divisions (A), (B), and (C) of this section. Each applicant for an original license shall publish a notice of the filing of such application once, in form prescribed by the division, in a daily newspaper of general circulation in the community where the applicant's licensed place of business, as set forth in said application, is to be located; upon receipt of proof of such publication the division shall mail a notice of such application to each licensee having a place of business in such community, and no such application shall be acted upon by the division until the expiration of ten days from the date of such notice and publication. The division shall grant or deny each application for a license within thirty days from the filing of such proof of publication with the division. If the applicant has previously been investigated by the division, and at the time the application, then under consideration, is presented, holds a license for transaction of the business regulated by sections 1321.01 to 1321.19, inclusive, of the Revised Code, at some other location in this state, the division may waive the requirement of publication and notice and grant or deny such application forthwith * * * *

1321.11—False, misleading, or deceptive statements prohibited; limitation of contract.

No licensee or other person subject to sections 1321.01 to 1321.19, inclusive, of the Revised Code, shall advertise, display, distribute, or broadcast or cause or permit to be advertised, displayed, distributed, or broadcast, any false, misleading, or deceptive statement or representation with regard to the rates, terms, or conditions for loans made under such sections * * * *

CHAPTER 1323: WAREHOUSE RECEIPTS

1323.33—Satisfaction of lien.

A warehouseman's lien for a claim which has become due is satisfied if the warehouseman gives a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified.

* * * * After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication * * * *

1323.34—Sale of perishable goods.

If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability, or explosive nature are liable to injure other property, the warehouseman may give to the owner, or to the person in whose name the goods are stored, such notice as is reasonable and possible under the circumstances, to satisfy the lien upon such goods and to remove them from the warehouse. In the event of failure of such person to

satisfy the lien and to remove the goods within the time specified, the warehouseman may sell the goods at public or private sale without advertising * * * *

CHAPTER 1329: LABELS AND MARKS

1329.42—Filing of name, mark or device; form.

A person who uses in this state a name, mark, or device to indicate ownership of articles or supplies may file in the office of the secretary of state, on a form to be furnished or approved by him, a verified statement setting forth, but not limited to, the following information:

(A) The name and business address of the person filing the statement; and, if a corporation, the state of incorporation.

(B) The nature of the business of the applicant.

(C) The type of articles or supplies in connection with which the name, mark, or device is used.

The statement shall include or be accompanied by a copy, specimen, facsimile or counterpart of such name, mark or device in quadruplicate, together with a filing fee of ten dollars.

1329.65—Unauthorized use; subject to civil action; knowledge.

Subject to the provisions of section 1329.67 of the Revised Code, any person who shall

(A) Use, without the consent of the registrant, any reproduction, counterfeit, copy, or colorful imitation of a trade-mark registered under sections 1329.54 to 1329.68, inclusive, of the Revised Code, in connection with the sale, offering for sale, or advertising of any goods on or in connection with which such use is likely to cause confusion or mistake or to deceive as to the source of origin of such goods; or

(B) Reproduce, counterfeit, copy or colorably imitate any such trade-mark and apply such reproduction, counterfeit, copy or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used upon or in conjunction with the sale or other distribution in Ohio of such goods; shall be liable to a civil action by the owner of such registered trade-mark for any or all of the remedies provided in section 1329.66 of the Revised Code, except under division (B) hereof the registrant shall not be entitled to recover profits or damages unless the acts have been committed with knowledge that such trade-mark is intended to cause confusion or mistake or to deceive.

1329.66—Rights and remedies.

Any owner of a trade-mark registered under the sections 1329.54 to 1329.68, inclusive, of the Revised Code, may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof and any court of competent jurisdiction may grant injunctions to restrain such manufacture, use, display or sale as may be by the said court deemed just and reasonable, and may require the defendants to pay to such owner all profits derived from and all damages suffered by reason of such wrongful manufacture, use, display or sale; and such court may also order that any such counterfeits or imitations in the possession or under the control of any defendant in such case, be delivered to an officer of the court, or to the complainant, to be destroyed;

Provided, however, that where the infringement complained of is contained in or is part of paid advertising in a newspaper, magazine or other periodical, the remedies of the owner of the right infringed as against the publisher or distributor of such periodical shall be confined to an injunction against the presentation of such advertising matter in future issues; and provided further

that these limitations shall apply only to innocent infringers; and provided further that injunctive relief shall not be available to the owner of the right infringed in respect of an issue of a periodical containing infringing matter when restraining the dissemination of such infringing matter in any particular issue of such periodical would delay the delivery of such issue after the regular time therefor, and the delay would be due to the method by which publication and distribution of such periodical is customarily conducted in accordance with sound business practice, and not to any method or device adopted for the evasion of this section or to prevent or delay the issuance of an injunction or restraining order with respect to such infringing matter.

The enumeration of any right or remedy herein shall not affect a registrant's right to prosecute under any appropriate penal law of this state.

1329.67—Common law rights.

Nothing herein shall adversely affect the rights or the enforcement of rights in trade-marks acquired in good faith at any time at common law.

CHAPTER 1333: TRADE PRACTICES

1333.07—Sale or advertisement of commodity at less than minimum price.

Whoever knowingly and wilfully advertises, offers for sale, or sells any commodity at less than the minimum price stipulated in any contract entered into under section 1333.06 of the Revised Code, whether said person advertising, offering for sale, or selling such commodity is or is not a party to such contract, is engaging in unfair competition and unfair trade practices and is liable to any person damaged thereby.

1333.11—Definitions.

As used in sections 1333.11 to 1333.21, inclusive, of the Revised Code: * * * *

(E) In all advertisements, offers for sale, or sale involving two or more items at a combined price and in all advertisements, offers for sale, or sales involving the giving of any concession of any kind, whether it be coupons or otherwise, the retailer's or wholesaler's selling price shall not be below the "cost to the retailer" or the "cost to wholesaler," respectively, of all articles, products, commodities, and concessions included in such transactions * * * *

1333.14—Type of sales excepted.

Sections 1333.11 to 1333.21, inclusive, of the Revised Code do not apply to sales at retail or sales at wholesale made: * * * *

(B) Where cigarettes are advertised, offered for sale, or sold in bona fide clearance sales for the purpose of discontinuing trade in such cigarettes, and said advertising, offer to sell, or sale states the reason thereof and the quantity of such cigarettes advertised, offered for sale, or to be sold:

(C) Where cigarettes are advertised, offered for sale, or sold as imperfect or damaged and said advertising, offer to sell, or sale states the reason thereof and the quantity of such cigarettes advertised, offered for sale, or to be sold; * * * *

(E) Where cigarettes are advertised, offered for sale, or sold by any fiduciary or other officer acting under the order or direction of any court.

1333.21—Revocation or suspension of license.

The department of taxation, through the tax commissioner, shall administer and enforce sections 1333.11 to 1333.20, inclusive, of the Revised Code. The tax commissioner, pursuant to sections 119.01 to 119.13, inclusive, of the Revised Code may adopt, amend, and repeal rules and regulations necessary

to enforce and administer sections 1333.11 to 1333.20, inclusive, of the Revised Code. Upon notice and hearing in accordance with sections 119.01 to 119.13, inclusive, of the Revised Code, the tax commissioner may suspend or revoke any wholesale or retail cigarette license for the violation of, or the failure of the licensee to comply with said sections * * * *

TITLE XV: CONSERVATION OF NATURAL RESOURCES

CHAPTER 1501: DEPARTMENT OF NATURAL RESOURCES—GENERAL PROVISIONS

1501.10—Lease provisions.

Advertisement for bids for the leasing of inns or lodges erected in accordance with sections 1501.07 to 1501.11, inclusive, of the Revised Code, shall be published in any newspaper of general circulation in the area in which the facility to be leased is situated. The publication must be made once each week for six consecutive weeks prior to the date fixed for the acceptance of such bids. Such notice must set forth the pertinent facts concerning the facility to be leased and the conditions which such lease is to include * * * *

CHAPTER 1515: SOIL CONSERVATION COMMITTEE

1515.01—Definitions.

As used in sections 1515.01 to 1515.13, inclusive, of the Revised Code: * * * *

(E) "Due notice" means notice published at least twice, stating time and place, with an interval of at least thirteen days between the two publication dates, in a newspaper of general circulation within the appropriate area.

1515.03—Petition for creation of soil conservation district.

Any seventy-five owners of land situated within the limits of the territory proposed to be organized into a soil conservation district may file a petition with the Ohio soil conservation committee asking that a district be organized. * * * *

Within thirty days after such petition has been filed with the committee, it shall give due notice of a hearing upon the questions of the desirability and necessity of the creation of such district and of the appropriate boundaries to be assigned to such district. All interested parties may attend such hearings and be heard * * * *

1515.04—Referendum.

After the Ohio soil conservation committee has recorded a determination that there is need for the organization of a soil conservation district and has defined the boundaries thereof, pursuant to section 1515.03 of the Revised Code, it shall hold a referendum within the proposed district upon the proposition of the creation of the district and give due notice of such referendum * * * *

The committee shall publish the result of such referendum * * * *

1515.05—Supervisors of soil conservation district.

Within thirty days after the creation of a soil conservation district, nominating petitions may be filed with the Ohio soil conservation committee to nominate candidates for supervisors of such district. The committee may extend the time within which nominating petitions may be filed. No such

nominating petition shall be accepted by the committee unless it is subscribed by twenty-five or more owners of lands situated within the boundaries of such district. No landowner may sign nominating petitions for more than five candidates. The committee shall give due notice of and conduct an election of five supervisors for the district, two of whom shall be elected for a term of two years and three of whom shall be elected for a term of three years. The names of nominees on behalf of whom such nominating petitions have been filed within the time designated in this section shall be arranged in the alphabetical order of the surnames on the ballots, with a square before each name and a direction to insert an X mark in the square before any five names to indicate the voter's preference * * * *

1515.12—Referendum for continuing soil conservation district.

Any time after the end of the third year following the creation of a soil conservation district a referendum may be had upon the proposition of the continuance of the district. Such referendum shall be held after a petition is filed with the Ohio soil conservation committee, signed by not less than seventy-five owners of land situated within the district, seeking such a referendum. Within sixty days after the filing of such a petition, the committee shall give due notice of and hold and supervise the referendum * * * *

The committee shall publish the result of such referendum and shall certify the result to the supervisors of the district * * * *

CHAPTER 1523: WATER IMPROVEMENTS

1523.01—Chief may construct, enlarge, or alter improvements.

[The chief of the division of water, with approval of the director of natural resources and the governor, may acquire by gift, purchase, or by appropriation proceedings for the state such real and personal property as are necessary in his judgment for construction of reservoirs, dams, storage basins, dikes, canals, raceways and other improvements, or for maintenance of existing facilities. When the cost of purchase or appropriation of property or rights exceeds $1000, the chief must submit complete plans and estimates to the director and to the governor.]

* * * * The governor shall thereupon publish written notice once a week for two consecutive weeks in a newspaper printed and of general circulation in the counties where any such improvements are proposed to be constructed, setting forth the location and character of the proposed improvements, that the plans, specifications, and estimates therefor are on file in his office, and that objections thereto will be heard by him on a day to be named in said notice, which day shall be not less than ten nor more than twenty days after the first publication thereof * * * *

1523.02—Chief may issue bonds to finance construction.

If the governor approves the plans, specifications, and estimates authorized by section 1523.01 of the Revised Code, the chief of the division of water shall thereupon proceed, as provided in sections 1523.02 to 1523.12, inclusive, of the Revised Code, to construct the improvements or to make alterations in or to enlarge those already existing, in manner and form as shown by such plans and specifications. In order to provide the funds for such construction, alteration, or enlargement, the chief shall issue and sell bonds of the state, not in excess of the estimated cost of such improvements * * * *

Such bonds shall be sold by the chief to the highest bidder therefor, but not for less than the par value thereof, with accrued interest thereon, after thirty days' notice in at least two newspapers of general circulation in the

county where such improvements are to be constructed, setting forth the nature, amount, rate of interest, and length of time said bonds have to run, with the time and place of sale * * * *

1523.03—Contract for construction.

Immediately after the sale of the bonds authorized by section 1523.02 of the Revised Code and the payment of the proceeds thereof to the treasurer of state as provided in such section, the chief of the division of water shall make a written contract for the construction of the improvements or alterations in existing improvements with the lowest and best bidder after advertisements once a week for four consecutive weeks in one newspaper in each of the cities of Columbus, Cleveland, and Cincinnati having a general circulation therein, one trade paper having a circulation among contractors engaged in the construction of public improvement work of like character, and two newspapers having a general circulation within the county in which the dam, reservoir, storage basin, or other improvement is located or is to be located.

All bids shall be filed with the chief at his office in Columbus, within the time fixed for the filing of such bids in said advertisement * * * *

The chief may reject any bids. If he rejects all bids, he shall within sixty days thereafter readvertise for bids for the construction of such improvements, as provided in this section, and may continue to readvertise for bids every sixty days until bids are received which are made to his satisfaction and in conformity to sections 1523.01 to 1523.13, inclusive, of the Revised Code * * * *

1523.08—Contract for repairs to improvements; payment.

When the cost of any repairs to the improvements authorized by section 1523.01 of the Revised Code does not exceed one thousand dollars the chief of the division of water may make such repairs himself or let a contract therefor without advertising for bids. If the cost of any such repairs is in excess of one thousand dollars, the chief shall advertise for bids for the making of such repair and let a contract therefor as provided in section 1523.03 of the Revised Code * * * *

CHAPTER 1531: DIVISION OF WILDLIFE

1531.26—Appropriation proceedings.

A copy of the certificate referred to in section 1531.25 of the Revised Code shall be delivered to each owner of the property to be appropriated, or left at his usual place of residence within the state. If such owner is a minor, idiot, feeble-minded, or insane, such certificate may be delivered to his guardian. If the owner, or guardian is not a resident of the state or his place of business is unknown, notice may be given him by the publication of the certificate for four consecutive weeks in a newspaper of general circulation in the county in which the property is situated * * * *

CHAPTER 1545: PARK DISTRICTS

1545.03—Notice and hearing.

Upon the filing of the application provided for in section 1545.02 of the Revised Code, the probate judge shall fix a time for the hearing of such application which shall not be less than twenty nor more than forty days subsequent to the date of the filing of the application. Such judge shall publish notice of the filing of such application and the date of hearing thereof in two newspapers of general circulation within such district, or if there is but one newspaper of general circulation within such district, in such newspaper. If there is no newspaper of general circulation within such proposed

district, then such judge shall post such notice in five of the most public places within such proposed district. Such notice shall be published or posted for a period of not less than fifteen days prior to the date fixed for the hearing. The hearing may be adjourned from time to time upon good cause shown.

1545.11—Power to acquire property.

The board of park commissioners may acquire lands either within or without the park district for conversion into forest reserves and for the conservation of the natural resources of the state, including streams, lakes, submerged lands, and swamplands, and to those ends may create parks, parkways, forest reservations, and other reservations and afforest, develop, improve, protect, and promote the use of the same in such manner as the board deems conducive to the general welfare. Such lands may be acquired by such board, on behalf of said district, by gift or devise, by purchase, or by appropriation. In furtherance of the use and enjoyment of the lands controlled by it, the board may accept donations of money or other property, or may act as trustees of land, money, or other property, and use and administer the same as stipulated by the donor, or as provided in the trust agreement. The terms of each such donation or trust shall first be approved by the probate court before acceptance by the board.

In case of appropriation, the proceedings shall be instituted in the name of the board, and shall be conducted in the manner provided for the appriation of private property by municipal corporations, insofar as such proceedings are applicable. Either the fee or any lesser interest may be acquired as the board deems advisable.

This section applies to districts created prior to April 16, 1920.

1545.12—Sale or lease of lands; notice; approval of probate court.

If the board of park commissioners finds that any lands which they have acquired are not necessary for the purposes for which they were acquired by such board, it may sell and dispose of such lands upon such terms as the board deems advisable * * * No lands shall be sold without first giving notice of the board's intention to sell such lands by publication once a week for four consecutive weeks in not less than two English newspapers of general circulation in such district. Such notice shall contain an accurate description of the lands in question and shall state the time and place at which sealed bids will be received for the purchase thereof and such lands shall not thereafter be sold at private sale for less than the best and highest bid so received without giving further notice as specified in this section * * * *

1545.15—Annexation procedure.

When conducive to the general welfare, any territory adjacent and continguous to an existing park district, whether located within or without the county in which such district was created, may be annexed to such district. When a petition is filed with the board of park commissioners requesting such annexation * * * the board shall determine whether it is advisable that such annexation should be made. If the board determines in favor of such annexation, it shall make application to the probate court of the county in which such territory is located, setting forth the fact of the filing of such petition and the reasons why it is advisable that such territory should be annexed to such district * * * Upon the filing of such petition, like proceedings shall be had as are provided in sections 1545.03 and 1545.04 of the Revised Code * * * *

1545.24—Issuance of bonds.

The board of park commissioners of any park district may issue bonds for the purpose of acquiring and improving lands as authorized by section 1545.11 of the Revised Code * * * *

1545.25—Procedure for sale of bonds.

(C) Said bonds shall be sold at public sale for such prices as the board determines * * * * Such bonds may be sold without advertising to a federal agency * * * *

TITLE XVII: CORPORATIONS—PARTNERSHIPS

CHAPTER 1701: GENERAL CORPORATION LAW

1701.30—Enforcing payment for shares.

* * * * In case of default in the payment of any contract of subscription or purchase, the corporation may collect the amount unpaid, and in addition to other remedies * * * the corporation, thirty days after notice setting forth such default and the time and place of the proposed sale of his shares has been given the subscriber or purchaser by registered mail, may sell his shares at public auction. Notice of the time and place of sale shall be published once, at least fifteen days prior to such sale, in a newspaper of general circulation in the county where the principal office of the corporation is located * * * *

1701.89—Notice of voluntary dissolution.

The board of directors of a voluntarily dissolved corporation shall, upon such dissolution, forthwith cause a notice of such dissolution to be published once a week on the same day of each week for two successive weeks, in a newspaper published and of general circulation in the county in which the principal office of the corporation is located, and shall give written notice of such dissolution by mail to all shareholders and known creditors of, and to all known claimants against, the dissolved corporation.

1701.96—Order to show cause.

Upon the filing of a petition for judicial dissolution as provided in section 1701.95 of the Revised Code, the court with which it is filed, or a judge of such court in vacation, shall, on the motion of the petitioners, enter an order requiring the officers, directors, and shareholders of the corporation to show cause, at a time and place specified in such order, not more than six weeks after the granting of the order, why the corporation should not be dissolved * * * *

The petitioners shall give notice of such order to show cause to all the officers, directors, and shareholders of the corporation * * * *

If it appears to such court or judge that the rights or interests of any creditor may be affected by the proceedings, the order to show cause may also require the petitioners, or the officers of such corporation to serve a notice of such order on such creditor in the same manner and to make a return thereof to such clerk under oath. Notice of such order may also be required to be given by publication.

CHAPTER 1702: GENERAL CORPORATION LAW—Continued

1702.27—Judicial sales.

The real or personal property, or both, of a corporation, domestic or foreign, may be sold under the judgment or decree of a court, as provided in the Revised Code with respect to similar property of natural persons; or at public or private sale, in such manner, at such time and place, on such notice by publication or otherwise, and on such terms, as the court adjudging or decreeing such sale deems equitable and proper, and it is not necessary in such case to appraise any such property or to advertise its sale as required by the Revised Code as to real or personal property of natural persons.

CHAPTER 1707: SECURITIES

1707.15—Application for and issuance of dealer's license.

An application to act as dealer shall be in writing and shall be filed with the division of securities * * * *

Every applicant for an original license shall publish such application once, in the form prescribed by the division, in a daily newspaper of general circulation in the city where the applicant's principal place of business in this state is located, or in the city of Columbus if the applicant has no such place of business in this state. The division shall not act upon such application until one week has expired from the date of such publication, but shall act upon it within twenty days after proof of such publication has been filed with the division.

1707.16—Application for and issuance of salesman's license.

Every salesman of securities must be licensed by the division of securities and shall be employed only by the licensed dealer specified in his license * * * *

Every applicant for an original salesman's license shall publish such application once, in the form prescribed by the division, in a daily newspaper of general circulation in the city where the applicant's principal place of business in this state is located, or in the city of Columbus if the applicant has no such place of business in this state. The division shall not act upon such application until one week has expired from the date of such publication, but shall act upon it within twenty days after proof of such publication has been filed with the division.

CHAPTER 1711: AGRICULTURAL CORPORATIONS

1711.05—Publication of treasurer's account; reporting of awards by county society.

Every county agricultural society annually shall publish an abstract of its treasurer's account in a newspaper of the county and make a report of its proceedings during the year * * * *

1711.07—Board of directors of county society.

The board of directors of a county agricultural society shall consist of at least eight members, and the county school superintendent may be a member ex officio. * * * There shall be an annual election of directors by ballot at a time and a place fixed by the board, but this election shall not be held later than the first Saturday in December. The secretary of the society shall give notice of such election, for three weeks prior to the holding thereof, in at least two newspapers of opposite politics and of general circulation in the county, or by letter mailed to each member of the society * * * When the election is to be held during the fair, notice of such election must be prominently mentioned in the premium list, in addition to the notice required in newspapers * * * *

1711.15—County aid to county agricultural society.

In any county in which there is a duly organized county agricultural society, the board of county commissioners may purchase or lease, for a term of not less than twenty years, real estate on which to hold fairs under the management and control of the county agricultural society, and may erect thereon suitable buildings and otherwise improve it.

In counties in which there is a county agricultural society which has purchased, or leased, for a term of not less than twenty years, real estate as a site on which to hold fairs or in which the title to such site is vested in fee in the county, the board may erect or repair buildings or otherwise improve such site and pay the rental thereof, or contribute to or pay any other form

of indebtedness of said society, if the director of agriculture has certified to the board that the county agricultural society is complying with all laws, rules, and regulations governing the operation of county agricultural societies. The board may appropriate from the general fund such an amount as it deems necessary for any of said purposes. If the amount appropriated to be expended in the purchase of such real estate or in the erection of buildings or other improvements or payments of rent or other forms of indebtedness of said society exceeds twenty thousand dollars in any one year, such expenditure shall not be made unless the question of a levy of the tax therefor is submitted to the qualified electors of the county at a general election, a notice of which specifying the amount to be levied has been given at least thirty days previous to such election, in one or more newspapers published and of general circulation in the county * * * *

1711.17—County joint ownership.

In any counties in which there is a duly organized independent agricultural society, the respective boards of county commissioners may purchase or lease jointly, for a term of not less than twenty years, real estate on which to hold fairs under the management and control of the society, and may erect thereon suitable buildings and otherwise improve the same, and pay the rental thereof, or contribute to or pay any other form of indebtedness of said society if the director of agriculture has certified to the board that the independent agricultural society is complying with all laws, rules, and regulations governing the operation of county agricultural societies. The boards may appropriate from their respective general funds such an amount as they deem necessary for any of said purposes. Provided that if the total amount appropriated to be expended in the joint purchase of such real estate or in the erection of buildings or other improvements or payments of rent or other forms of indebtedness of said society exceeds twenty thousand dollars, in any one year, such expenditure shall not be made unless the question of a levy of the tax therefor is submitted to the qualified electors of the counties at some general election, a notice of which, specifying the amount to be levied, has been given at least thirty days previous to such election, in one or more newspapers published and of general circulation in the counties * * * *

1711.18—Issuance of county bonds to pay debts of county society.

In a county in which there is a county agricultural society indebted fifteen thousand dollars or more, and such society has purchased a fairground or title to such fairground is vested in fee in the county, the board of county commissioners, upon the presentation of a petition signed by not less than five hundred resident electors of the county praying for the submission to the electors of the county of the question whether or not county bonds shall be issued and sold to liquidate such indebtedness, shall, by resolution within ten days thereafter, fix a date, which shall be within thirty days, upon which the question of issuing and selling such bonds, in the necessary amount and denomination, shall be submitted to the electors of the county * * * *

Such election shall be held at the regular places of voting in the county and shall be conducted, canvassed, and certified, except as otherwise provided by law, as are elections of county officers. The county board of elections must give fifteen days' notice of such submission by publication in one or more newspapers published in the county once a week for two consecutive weeks, stating the amount of bonds to be issued, and the time and places of holding such election * * * *

1711.30—Election on question of issuing bonds.

Before issuing bonds under section 1711.28 of the Revised Code, the board of county commissioners, by resolution, shall submit to the qualified electors of the county at the next general election for county officers, held not less than thirty days after receiving from the county agricultural society the notice

provided for in section 1711.25 of the Revised Code, the question of issuing and selling such bonds in such amount, and denomination as are necessary for the purpose in view, and shall certify a copy of such resolution to the county board of elections * * * *

Fifteen days' notice of such submission shall be given by the county board of elections, by publication once a week for two consecutive weeks in two or more newspapers published in the county, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and places of holding such election * * * *

CHAPTER 1713: EDUCATIONAL CORPORATIONS

1713.09—Location may be changed.

A college, university, or other institution of learning, existing by virtue of an act of incorporation, or that becomes incorporated for any of the purposes specified in sections 1713.01 to 1713.39, inclusive, of the Revised Code, if three fourths of the trustees or directors thereof deem it proper, or if the institution is owned in shares, or by stock subscribed or taken, by a vote of the holders of three fourths of the stock or shares, may change the location of such institution, convey its real estate, and transfer the effects thereof, and invest them at the place to which such institution is removed. No such removal shall be ordered, and no vote taken thereon, until after publication in the manner provided by law in case of a sale and distribution of the property of such an institution. Such publication shall fully set forth the place to which it is proposed to remove the institution. In case of removal, a copy of the proceedings of such meeting shall be filed with the secretary of state.

1713.24—Sale and distribution of property of certain corporations.

The trustees of a university, college, or other institution of learning, incorporated by authority of this state under special charter, and which is owned in shares or stock subscribed or taken, may dispose of its property at public sale, on such terms as to payment as the stockholders by a vote of three fourths of the shares or stock of the institution direct after giving public notice thereof by publication for six consecutive weeks in some newspaper published in the county where the institution is located. Such notice shall contain a full statement of the terms, time, and place of sale, and such action of the trustees * * * *

CHAPTER 1715: RELIGIOUS AND BENEVOLENT ORGANIZATIONS

1715.02—Sale of cemetery grounds no longer usable.

When a religious or educational corporation or society holds lands within the limits of a municipal corporation which have been used as a cemetery, and interments in such lands have been prohibited by the ordinances of such municipal corporation, the trustees, wardens, vestry, or other officers entrusted with the management of the property of such corporation or society may file a petition in the court of common pleas of the county where such property is situated, setting forth a description of such property, the existence of such ordinance, and the names of all persons holding burial privileges in such cemetery, so far as known to the petitioners * * * *

Notice of the filing of such petition shall be given by publication in some newspaper, printed and of general circulation in the county where it is filed, for four consecutive weeks, setting forth the object and prayer of the petition, and that any persons claiming an interest in its subject matter or claiming burial privileges in such cemetery may appear and file an answer to such petition within six weeks from the date of the first publication of such notice. After said six weeks have elapsed, the case will stand for hearing * * * *

1715.03—Transfer of cemetery land to cemetery association.

When a religious or benevolent society or association owning real estate used or occupied as a burial place, the title to which real estate is vested in such society or association, or the trustees thereof, desires to transfer such real estate to a cemetery association incorporated under any law of this state, the trustees or other officers entrusted with the management of the affairs of such society or association may file, in the court of common pleas of the county in which such real estate is situated, a petition stating how and by whom the title to such real estate is held and that such society or association desires to make such transfer, and asking for an order therefor.

Notice of the filing of such petition shall be given by publication, in some newspaper printed and of general circulation in the county where it is filed, for four consecutive weeks, setting forth the object and prayer of the petition and that persons claiming an interest in the subject matter thereof may appear and file an answer thereto within six weeks from the first publication of such notice * * * *

1715.05—Disposition of unused real estate.

When the title to real estate is vested in trustees for the use of churches or congregations of churches, and owing to its peculiar situation or to the nature of the trust or conditions upon which it is held, such real estate for twenty years has not been claimed by or appropriated to the use of churches or congregations as originally contemplated and such trustees are in doubt as to what disposition to make of it, or when any public church site and meeting-house has been abandoned by the public as a place of worship and the trustees invested with the title to such property have sold it and are in doubt as to what disposition to make of the proceeds, such trustees may file a petition in the court of common pleas of the county where the property is situated, setting forth all the facts in the case and asking such court's direction as to the proper disposition of such property or proceeds.

Notice of the filing of such petition must be given by publication, in some newspaper printed and of general circulation in the county where it is filed, for four consecutive weeks, setting forth the object and prayer of the petition and that a person, church, or congregation claiming an interest in the subject matter thereof may appear and file an answer thereto * * * *

1715.09—Transfer of property of consolidating organizations.

When two or more religious societies, denominations, or ecclesiastical corporations in this state unanimously form a union in this state, the trustees, deacons, directors, or other proper officers of the new society, denomination, or corporation, at the request of a majority of the members of any of the component societies, denominations, or corporations, may petition the court of common pleas, setting forth the fact of such union * * * *

Notice of the pendency of such petition shall be given by publication, in a newspaper published in the county where the petition is filed, for four consecutive weeks, setting forth the object and prayer of the petition.

1715.37—Petition for conveyance.

A united corporation formed under sections 1715.32 to 1715.38, inclusive, of the Revised Code, at the request of a majority of its members, or by act of its board of trustees, directors or other governing body, may in its corporate name petition the court of common pleas of the proper county, setting forth the fact of the union, and such court may make an order requiring such governing body to convey to the new corporation the real estate owned and held * * * *

Notice of the pendency of such petition must be given, by publication in a newspaper published in the county where the petition is filed, for four consecutive weeks, setting forth the object and prayer of the petition.

1715.39—Sale or encumbrance of real estate by a religious or charitable organization.

* * * * The petitioner shall cause notice of the pendency and prayer of the petition to be published, in some newspaper of general circulation in the county where the real estate proposed to be sold, leased, exchanged, or encumbered is situated, for four consecutive weeks before the application is heard * * * *

CHAPTER 1721: CEMETERY ASSOCIATIONS

1721.15—Sale of grounds by certain associations.

The trustees of a cemetery association whose cemetery is within the limits of a municipal corporation which by ordinance has prohibited interments in such municipal corporation, whose cemetery is abandoned as a place for the burial of the dead, or which is involved in debt it is unable to pay, may apply, by petition to the court of common pleas of the county in which such cemetery is located, for the sale of the whole or a portion of its grounds, and said court may order such sale * * * *

Notice of the filing of such petition shall be given by publication for four consecutive weeks in some newspaper of general circulation in the county where it is filed, setting forth the object and prayer of the petition and that any person claiming an interest in the subject matter of such petition may appear and file an answer * * * *

1721.17—Transfer from one association to another.

When, in the judgment of the trustees of any association of persons who are acting as a cemetery association, whether incorporated or unincorporated, and have purchased and improved land for cemetery purposes, the welfare of all concerned in the lands purchased and improved would be subserved by transferring such lands and improvements and other assets of such association to another association incorporated under the laws of this state for cemetery purposes, said trustees shall call a meeting of the association by giving notice of such meeting for two consecutive weeks in a newspaper of general circulation in the county in which said cemetery is located, specifying the place, time, and object of such meeting * * * *

CHAPTER 1723: APPROPRIATION OF PROPERTY BY CERTAIN CORPORATIONS

1723.01—Power to enter upon and appropriate land.

If a company is organized for the purpose of erecting or building dams across rivers or streams in this state to raise and maintain a head of water; for constructing and maintaining canals, locks, and raceways to regulate and carry such head of water to any plant or powerhouse where electricity is to be generated; for erecting and maintaining lines of poles on which to string wires or cables to carry and transmit electricity; for transporting natural or artificial gas, petroleum, coal or its derivatives, water, or electricity, through tubing, pipes, or conduits, or by means of wires, cables, or conduits; for storing, transporting, or transmitting water, natural or artificial gas, petroleum, or coal or its derivatives, or for generating and transmitting electricity; then such company * * * may appropriate land * * * *

1723.02—Acquiring right to appropriate.

The appropriation referred to in section 1723.01 of the Revised Code shall be made in accordance with the law providing for compensation to the owners of private property appropriated to the use of corporations * * * *

CHAPTER 1729: CO-OPERATIVES

1729.12—Meetings of members or stockholders.

In its bylaws, each association shall provide for one or more regular meetings annually * * * Notice of every meeting together with a statement of the purpose thereof, shall be mailed to each member at least ten days prior to the meeting, unless the bylaws require that such notice may be given by publication in a newspaper of general circulation, published at the principal place of business of the association.

CHAPTER 1779: SURVIVING PARTNERS; JOINT DEBTORS

1779.05—Bond of surviving partners electing to purchase.

Surviving partners who elect to purchase the interest of a deceased partner in the partnership assets shall give bond to the executor or administrator for the deceased partner's estate * * * *

Such bond must be filed in such probate court. Thereupon the surviving partners shall cause notice of such filing to be published for three consecutive weeks in some newspaper of general circulation in the county wherein such court is located.

An affidavit of a surviving partner, or of a person employed by him to give such notice, if such affidavit is made, filed, and recorded, together with a copy of the notice, in such probate court, within one year after the giving of such bond, shall be admitted as evidence of the time, place, and manner in which the notice was given.

CHAPTER 1781: LIMITED PARTNERSHIPS

1781.04—Record and publication of certificate.

The certificate of partnership, acknowledged as required by section 1781.03 of the Revised Code, shall be recorded by the county recorder of the county in which the principal place of business of the partnership is situated, in a book, open to public inspection, to be kept for that purpose. If the partnership has places of business in different counties, the certificate and acknowledgment shall be recorded in like manner in the office of the county recorder in every such county.

The partners shall publish a copy of such certificate, for six weeks immediately, after it is recorded, in a newspaper printed in the county where their principal place of business is situated. A like publication shall be made in every county where the partnership has a place of business. In case such application is not so made, the partnership shall be deemed general.

1781.06—Extension of term.

Upon every renewal of a limited partnership or upon its continuation beyond the time originally agreed upon for its duration, a certificate of renewal shall be made, acknowledged, recorded, and published, as provided in sections 1781.01 to 1781.17, inclusive, of the Revised Code, for the original formation of limited partnerships * * * *

1781.17—Dissolution.

No dissolution of a limited partnership shall take place by the acts of the partners, previous to the time specified for its termination in the certificate of its formation or renewal, until notice of such dissolution is recorded in the office in which the original certificate was recorded, and published once a week for four weeks in a newspaper printed in each of the counties where the partnership has places of business.

CHAPTER 1783: LIMITED PARTNERSHIP ASSOCIATIONS

1783.11—Dissolution.

A limited partnership association may be dissolved upon either of the following events:

(A) When the period fixed for its duration expires;

(B) When by a vote of a majority of its members, in value of interest and in number, a dissolution is determined upon.

Notice of such dissolution shall be given by publication in two newspapers, published in the proper city or county, at least six consecutive times. Immediately upon the commencement of such advertising, the association shall cease to carry on its business, except so far as may be required for its beneficial winding up.

CHAPTER 1901: MUNICIPAL COURT

1901.23—Issuance of writs and process.

Writs and process in a municipal court shall be served, returned, and publication made in the manner provided for service, return, and publication of summons, writs, and process in the court of common pleas * * * *

1901.26—Costs.

Costs in a municipal court shall be fixed and taxed as follows: * * * *

(B) The municipal court, by rule, may require an advance deposit for the filing of any civil action or proceeding and publication fees as provided in section 2701.09 of the Revised Code. The court may waive the requirement for advance deposit upon affidavit or other evidence that such party is unable to make the required deposit * * * *

(H) Charges for the publication of legal notices required by statute or order of court may be taxed as part of such costs, as provided by section 7.13 of the Revised Code * * * *

TITLE XXI: COURTS—PROBATE—JUVENILE

CHAPTER 2101: PROBATE COURT—JURISDICTION; PROCEDURE

2101.26—Service of notice.

When notice of any proceeding in the probate court is required by law or deemed necessary by the court, and the statute providing for such notice neither directs, nor authorizes the court to direct the manner of serving it, such notice shall be served in the following manner: * * * *

(D) By duplication once each week for three consecutive weeks in some newspaper of general circulation in the county as to any person whose name, usual place of residence, or existence is unknown to and cannot with reasonable diligence be ascertained by the person causing service to be made, or as to any person whose usual place of residence is outside the state. If the residence of the person to be served is known, it shall be stated in the publication * * * *

2101.27—Service of notice to persons under disability.

Service of notice of any proceeding in the probate court upon persons under disability shall be made as provided in section 2101.26 of the Revised Code by serving the following persons:

(A) When the person to be served with notice is a minor over fourteen years of age, service of such notice shall be made upon him and also upon his guardian, father, mother, the person having the care of such minor, or the person with whom he lives, in the order named.

(B) When the person to be served with notice is a minor under fourteen years of age, service need not be made upon him, but service of such notice shall be made upon his guardian, father, mother, the person having the care of such minor, or the person with whom such minor lives, in the order named. Such service shall constitute service of notice upon such minor.

(C) When the person to be served with notice is an adult under disability, service of such notice shall be made upon him and also upon his guardian or custodian, in the order named.

2101.28—Waiver of service of notice.

Service of notice in any proceeding in the probate court may be waived in writing by any person not under disability, including any fiduciary, the guardian, father, mother, person having the care of a minor, or the person with whom the minor lives, and the guardian or custodian of an adult person under disability. No person under disability shall be permitted to waive service of notice.

Unless otherwise directed by the court, a notice may be served by any competent person, including any fiduciary. Proof of service shall be made by affidavit.

CHAPTER 2107: WILLS

2107.32—Notice.

Every probate judge who admits a will or copy of a will to record under sections 2107.29 to 2107.31, inclusive, of the Revised Code, immediately thereafter shall give notice for three consecutive weeks in two weekly newspapers of his county if two are published therein, or if not, in one newspaper of general circulation in the county, stating the name of the person the record of whose will has been destroyed and the day when such record was supplied * * * *

CHAPTER 2109: FIDUCIARIES

2109.26—Vacancy before termination of the trust; accounting; successor fiduciary.

If a sole fiduciary dies, is dissolved, declines to accept, resigns, is removed, or becomes incapacitated prior to the termination of the trust, the probate court shall require a final account of all dealings of such trust to be filed forthwith by such fiduciary if a living person and able to act. If such fiduciary is a living person but unable to act, such final account shall be filed by his guardian, or if there is no guardian by some other suitable person in his behalf, appointed or approved by the court. If such fiduciary is a deceased person, such account shall be filed by his executor or administrator. If such fiduciary is a dissolved corporation, such account shall be filed by such persons as are charged by law with winding up the affairs of such corporation. Thereupon the court shall cause such proceedings to be had as are provided by sections 2109.30 to 2109.36, inclusive, of the Revised Code * * * *

2109.31—Citation to file account.

If a fiduciary neglects or refuses to file an account when due according to section 2109.30 of the Revised Code or when ordered by the probate court, the court at its own instance may, and on the application of any interested party or of any of the next of kin of any ward shall, issue a citation to such fiduciary, by publication or otherfise, to compel the filing of the overdue account. In

case the fiduciary fails to file such account within thirty days after he has been served with such citation, no allowance shall be made for his services if the court finds that such delay was unreasonable.

2109.32—Hearing on account; notice.

Every fiduciary's account required by section 2109.30 of the Revised Code shall be set for hearing before the probate court. Within one month after an account is filed, the court shall cause notice of the filing of such account and the time and place of the hearing thereon to be published once in some newspaper of general circulation in the county. The hearing on the account shall be set not earlier than thirty days after the publication of such notice. The costs of such notice, if more than one account is specified in the same notice, shall be paid in equal proportions by the fiduciaries * * * *

2109.33—Service of additional notice; exceptions to account.

In addition to the notice required by section 2109.32 of the Revised Code, a fiduciary may serve notice of the hearing upon his account, or may cause such notice to be served, upon any person who is interested in the estate or trust * * * *

2109.35—Effect of order settling account.

The order of the probate court upon the settlement of a fiduciary's account shall have the effect of a judgment and may be vacated only as follows: * * * *

(C) Such order may be vacated for good cause shown, other than fraud, upon motion of any person affected thereby who was a party to the proceeding whereby such order was made solely by reason of his having been served by publication in a newspaper in accordance with section 2109.33 of the Revised Code, if such motion is filed within one year after such person acquires knowledge of such proceeding and in any event within three years after such order is made. Such person must establish to the satisfaction of the court that he had no knowledge of the proceeding in time to appear therein * * * *

The person filing a motion to vacate an order settling an account, or such other person as the court may designate, shall cause notice of the hearing thereon to be served upon all interested parties who may be adversely affected by the order of the court granting such motion * * * *

The vacation of an order settling an account, made after notice given in the manner provided in section 2109.32 or 2109.33 of the Revised Code, shall not affect the rights of a purchaser for value in good faith, a lessee for value in good faith, or an encumbrancer for value in good faith * * * *

CHAPTER 2113: EXECUTORS AND ADMINISTRATORS—APPOINTMENT; POWERS; DUTIES

2113.02—Limitation for granting original administration.

Administration shall not be originally granted as of right after the expiration of twenty years from the death of the testator or intestate. But, within his county, each probate judge may grant letters of original administration upon the estate of a deceased person after the expiration of twenty years upon the petition of interested persons or their agent and on good cause shown therefor. Before allowing the prayer of such petition, such judge may direct notice thereof to be given by publication, for a period not exceeding thirty days, in one or more of the newspapers printed in the county where such petition is filed.

2113.03—Court may order estate relieved from administration.

Upon the application of any interested party, after notice of the filing thereof has been given to the surviving spouse and heirs at law in such manner

and for such length of time as the probate court directs, and after three weeks' notice to all interested parties by publication thereof once each week in a newspaper of general circulation in the county, unless such notices are waived or found unnecessary, the court, when satisfied that the assets of an estate are one thousand dollars or less in value and that creditors will not be prejudiced thereby, may make an order, relieving such estate from administration and directing the delivery of personal property and transfer of real estate to the persons entitled thereto * * * *

2113.08—Notice of appointment.

Within one month after appointment of an executor or administrator, the probate judge shall cause notice of the appointment to be published in some newspaper of general circulation in the county in which the letters were issued for three consecutive weeks, but such notice shall not be necessary when there is no estate except a right of action for wrongful death.

An affidavit of the publisher or agent of the newspaper making such publication which is filed and recorded, together with a copy of the notice, in the probate court within six months after the appointment shall be admitted as evidence of the time, place, and manner in which notice was given.

2113.09—Effect of failure to give notice.

If notice is not given of the appointment of an executor, an original administrator, or an administrator de bonis non within the one month prescribed for that purpose by section 2113.08 of the Revised Code, or the evidence thereof is not perpetuated as provided by such section, and such notice cannot be made and a period of twenty-one years or more has elapsed since the appointment of such executor, administrator, or administrator de bonis non, the required notice of appointment and the proof of publication of such notice shall be deemed to have been given and filed, so as to be an absolute bar to any claim of creditors against the estate represented by such executor, administrator, or administrator de bonis non. Where a period of less than twenty-one years has elapsed since the appointment of such executor, administrator, or administrator de bonis non, on the petition of the executor or administrator or on the petition of any person having an interest in real estate the title to which is adversely affected by the omission of publication of such notice of appointment and proof of same, the probate court shall order such notice to be given at any time afterwards, in which case the periods of time limited for the commencement of actions against executors and administrators and for other purposes, which begin to run from the date of the appointment, shall begin to run respectively from the time such order of court is made, if notice is published in accordance therewith.

2113.10—Notice of appointment, administrator de bonis non.

Notice of the appointment of a new administrator shall be given by the probate judge in the manner prescribed by section 2113.08 of the Revised Code.

2113.41—Public sale.

Public sales of personal property mentioned in section 2113.40 of the Revised Code shall be at public auction and, unless otherwise directed by the probate court, after notice of such sale has been given:

(A) By advertisement appearing at least three times in a newspaper of general circulation in the county during a period of fifteen days next preceding such sale * * * *

Such advertisement published or posted shall specify generally the property to be sold and the date, place, and terms of sale * * * *

CHAPTER 2117: PRESENTMENT OF CLAIMS AGAINST ESTATE

2117.02—Presentation of claim to probate court.

An executor or administrator within three months after the date of his appointment shall present any claim which he has against the estate to the probate court for allowance. Such claim shall not be paid unless allowed by the court. When an executor or administrator presents such claim, amounting to fifty dollars or more, the court must fix a day not less than four nor more than six weeks from its presentation, when the testimony touching it shall be heard. The court forthwith shall issue an order directed to the executor or administrator requiring him to give notice in writing to all the heirs, legatees, or devisees of the decedent interested in the estate, and to such creditors as are therein named. Such notice must contain a statement of the amount claimed, designate the time fixed for hearing the testimony, and be served upon the persons named in the order at least twenty days before the time for hearing. If any persons mentioned in the order are not residents of the county, service of notice may be made upon them by publication for three consecutive weeks in a newspaper published or circulating in the county, or in such other manner as the court may direct. All the persons named in the order shall be parties to the proceeding, and any other person having an interest in the estate may come in and be made a party thereto.

2117.05—Compromise and settlement of claims.

On the application of an executor or administrator for authority to compromise and settle a claim in favor of or against a decedent's estate, the probate court, upon hearing on such application and after reasonable notice has been given to all persons who would be adversely affected thereby as determined by the court, may authorize or direct the executor or administrator to compromise and settle such claim on such terms as the court deems to be for the best interest of the estate. The court may dispense with the notice of such hearing if it deems notice to be unnecessary. An executor authorized by the will to make such compromise and settlement may but shall not be required to apply to the court for such authority.

2117.23—Year's allowance when decedent is nonresident.

When a nonresident decedent dies leaving property in Ohio and the will of such decedent has been admitted to probate in Ohio as provided by sections 2107.11 and 2107.18 of the Revised Code, the person granted letters testamentary or of administration shall, at any time prior to the approval of the inventory and appraisement, notify the widow and a child or children of the decedent under the age of eighteen, that each or all of them have sixty days after the approval of the inventory and appraisement to apply for a year's allowance to be set off out of the Ohio property of the decedent * * * *

Notice of the hearing on an application for such allowance may be given to any person as the court may require in the manner provided by sections 2101.26, 2101.27, and 2101.28 of the Revised Code * * * *

CHAPTER 2119: TRUSTEE FOR ABSENTEE

2119.02—Notice.

The probate court, before appointing a trustee for an absentee, shall cause notice of the filing of the application under section 2119.01 of the Revised Code and of the time and place of hearing thereon to be published once a week for four consecutive weeks in some newspaper of general circulation in the county and shall cause copies of such notice to be mailed to the spouse and next of kin

of the absentee residing within the state, excepting the applicant, and to the absentee residing at his last known address. The court may order notice to be given to such other persons in such manner as it deems best.

2119.04—Mortgage, lease, or sale of real estate; sale of personal property.

In order to provide money for the payments authorized * * * proceedings may be had for the mortgaging, leasing or sale of the real estate from an absentee in the same manner as provided (by sections 2127.32 and 2127.33) * * * for sales of real estate by executors and administrators * * *

CHAPTER 2121: PRESUMED DECEDENTS' LAW

2121.01—Proceedings in case of presumption of death.

After August 1, 1947, when any person is presumed to be dead on account of seven or more years' absence from the place of his last domicile * * * the attorney general or any person entitled under the last will and testament of such presumed decedent or under sections 2101.01 to 2105.21, inclusive, of the Revised Code, to any share in his estate within this state may present a petition setting forth the facts which raise the presumption of death to the probate court of the county of such person's residence * * * *

The court, if satisfied as to the person who would be entitled to letters testamentary or of administration were the presumed decedent in fact dead, shall cause to be advertised, once a week for four successive weeks in a newspaper published in said county, the fact of such application, together with such other advertisement as the court deems expedient and with notice that on a day certain, which shall be at least two weeks after the last appearance of said advertisement, the court, or master appointed by the court for that purpose, will hear evidence concerning the alleged absence of the presumed decedent and the circumstances and duration thereof.

2121.02—Proceedings when letters of administration have been granted in other state.

When, after August 1, 1947, letters of administration or letters testamentary are granted in any other state, territory, or possession of the United States, or in any foreign country, on the estate of a resident thereof who is presumed to be dead on account of absence for seven or more years from the place of his last domicile * * * such person or trust company, to whom such letters have been granted may present a petition to the probate court * * * praying for the grant of ancillary letters testamentary or of administration upon the estate of such presumed decedent which is situated, or is owed to, or belongs to such decedent within this state. The court, if satisfied that the person or trust company proposed in such petition would be a fit person or company to whom such letters might be issued, shall cause publication to be made, in the manner provided in section 2121.01 of the Revised Code, of the fact of such application, together with notice that on a day certain, which shall be at least two weeks after the last appearance of said advertisement, the court, or a master appointed for the purpose, will hear evidence concerning the alleged absence of the presumed decedent and the circumstances and duration thereof.

2121.04—Testimony; publication of notice.

If satisfied, after the hearing provided in section 2121.03 of the Revised Code, or upon the report of the master, that the legal presumption of death is made out, the probate court shall so decree and the presumption of death shall be regarded as having arisen as of the date of such decree. The court shall forthwith cause to be published for three successive weeks, in the manner provided by section 2121.01 of the Revised Code, a notice requiring the presumed

decedent to produce in court satisfactory evidence of his continuance in life. Such evidence shall be produced within twelve weeks from the date of the last publication of the notice in the case of an original application for the grant of letters and within four weeks from such date in the case of an application for ancillary letters.

CHAPTER 2123: DETERMINATION OF HEIRSHIP

2123.04—Service by publication.

In a proceeding to determine heirship, nonresident defendants and defendants whose names or places of residence are unknown shall be served by publication as in civil actions in the court of common pleas.

CHAPTER 2127: SALE OF LANDS

2127.32—Public or private sale.

The real estate included in the court's order of sale, as provided in section 2127.29 of the Revised Code, shall be sold either in whole or in parcels at public auction at the door of the courthouse in the county in which the order of sale was granted or at such other place as the court may direct * * * *

If the sale is to be public, the executor, administrator, or guardian must give notice of the time and place of such sale by advertisement at least four weeks successively in some newspaper printed in the county where the lands are situated.

2127.33—Price at which real estate may be sold.

Where the sale authorized by a court or provided in section 2127.32 of the Revised Code is private, the real estate shall not be sold for less than the appraised value. When the sale is at public auction the real estate if improved shall not be sold for less than two-thirds of the appraised value, or if not improved, for less than one-half of the appraised value. In private sales, if no sale has been effected after one bona fide effort to sell under this section, or if in public sales, the land remains unsold for want of bidders when offered pursuant to advertisement, the court may fix the price for which such real estate may be sold or may set aside the appraisement and order a new appraisement. If such new appraisement does not exceed five hundred dollars, and upon the first offer thereunder at public sale there are no bids, then upon the motion of any party interested the court may order the real estate to be readvertised and sold at public auction to the highest bidder.

CHAPTER 2129: ANCILLARY ADMINISTRATION

2129.02—Proceedings by nonresident executor or administrator to bar creditor's claims.

When letters of administration or letters testamentary have been granted in any other state, territory or possession of the United States, or in any foreign country, as to the estate of a decedent resident thereof, and when no ancillary administration proceedings have been had or are being had in Ohio, the person to whom such letters were granted may file in the probate court in any county of this state in which is located real estate of the decedent an authenticated copy of the letters of appointment, and such court shall cause notice thereof to be published for three consecutive weeks in some newspaper of general circulation in the county in which such copy was filed * * * *

2129.07—Proceedings to admit foreign will to record.

An authenticated copy of a will executed, proved, and allowed in a country other than the United States and territories thereof and the probate of such

must be produced by the executor, or by a person interested therein, to the probate judge of the county in which there is any estate upon which the will may operate, whereupon such judge shall continue the motion to admit it to probate for two months. Notice of the filing of such application must be given to all persons interested, in some public newspaper printed or in general circulation in the county where the motion is made, at least three weeks consecutively. The first publication shall be at least forty days before the time set for the final hearing of the motion * * * *

2129.09—Notice of appointment.

When an ancillary administrator has been appointed under section 2129.08 of the Revised Code, the probate court shall publish notice of his appointment as in other administration proceedings under section 2113.08 of the Revised Code, and such ancillary administrator shall forward a notice of his appointment by registered mail to the domiciliary administrator, if the name and address of such domiciliary administrator are known; otherwise to the next of kin of the decedent whose names and addresses are known, and to the court having jurisdiction in estate matters in the county in which decedent resided at the time of his death.

CHAPTER 2151: JUVENILE COURT

2151.29—Service of citations, notices, and subpoenas; publication of citation.

* * * * Whenever it appears from affidavit that a parent, guardian, or other person having the custody of such child resides or has gone out of the state or that his place of residence is unknown so that such citation cannot be served on him, the clerk shall publish such citation once in a newspaper published in the county and of general circulation throughout the county, if there is one so published. The citation shall state the substance and the time and place of the hearing, which shall be held at least one week later than the date of the publication. A copy of such citation shall be sent by mail to the last known address of such parent, guardian, or other person having custody of such child, unless such affidavit shows that a reasonable effort has been made without success to ascertain such address. The certificate of the clerk that such publication has been made or such citation mailed shall be sufficient evidence thereof. When such period of one week from the time of publication has elapsed, the juvenile court shall have full jurisdiction to deal with such child as provided by sections 2151.01 to 2151.54, inclusive, of the Revised Code.

TITLE XXIII: COURTS—COMMON PLEAS

CHAPTER 2301: ORGANIZATION

2301.06—Entry and publication of order fixing times for holding.

On the receipt of an order signed by the judges of the court of common pleas of the county as provided in section 2301.05 of the Revised Code, the clerk of the court of common pleas shall immediately enter it upon the journal of the court, which entry shall be sufficient evidence as to the legal terms for holding the courts as therein ordered. The clerk shall publish a copy of the order in one or more newspapers of general circulation in such county once a week on the same day of the week for three consecutive weeks.

2301.09—Special terms; order; publication.

When necessary, any judge of the court of common pleas may appoint and hold a special term of such court in his county. In such case, the judge shall

issue an order for such special term to the clerk of the court of common pleas of the county wherein it is to be held, at least three weeks prior to the commencement of such term. The clerk shall forthwith publish the order or notice in a newspaper in such county, or of general circulation therein.

CHAPTER 2305: JURISDICTION: LIMITATION OF ACTIONS

2305.11—Time limitations for bringing certain actions.

An action for libel, slander * * * shall be brought within one year after the cause thereof accrued * * * *

CHAPTER 2307: CIVIL ACTIONS

2307.28—Officer may be made a party to the action.

In the county wherein he resides an officer holding an execution may be joined with the person for whose benefit the writ issued in an action to restrain its collection. When such person is not a resident of this state, or has left it to avoid the service of a summons or order of injunction, or so conceals himself that process cannot be served on him, service may be made against such person by publication as in other cases.

CHAPTER 2311: PRETRIAL PROCEDURE

2311.29—Service by publication.

When the plaintiff makes an affidavit that the representatives of the defendant, or any of them in whose name the action is ordered to be revived, are not residents of the state, or have left the state to avoid the service of the order mentioned in section 2311.27 of the Revised Code, or so conceal themselves that it cannot be served upon them, or that the names and residences of the heirs and devisees of the person against whom the action is ordered to be revived, or some of them, are unknown to the affiant, a notice may be published for six consecutive weeks, as provided by section 2703.18 of the Revised Code, notifying them to appear to a day therein named, not less than ten days after the publication is complete, and show cause why the action should not be revived against them. If sufficient cause is not shown to the contrary, the action shall stand revived.

CHAPTER 2313: COMMISSIONERS OF JURORS

2313.20—Notice of drawing; collection of forfeiture.

At least six days before the drawing of jurors under section 2313.23 of the Revised Code, the commissioners of jurors shall publish notice thereof, in at least two newspapers of general circulation in the county * * * *

CHAPTER 2317: EVIDENCE

2317.04—Impartial report of proceedings privileged.

The publication of a fair and impartial report of the proceedings before state or municipal legislative bodies, or before state or municipal executive bodies, boards, or officers, or the whole or a fair synopsis of any bill, ordinance, report, resolution, bulletin, notice, petition, or other document presented, filed, or issued in any proceeding before such legislative or executive body, board, or officer, shall be privileged, unless it is proved that such publication was made maliciously.

2317.05—Impartial report of indictment, warrant, affidavit, or arrest privileged.

The publication of a fair and impartial report of the return of any indictment, the issuing of any warrant, the arrest of any person accused of crime, or the filing of any affidavit, pleading, or other document in any criminal or civil cause in any court of competent jurisdiction, or of a fair and impartial report of the contents thereof, is privileged, unless it is proved that the same was published maliciously, or that the defendant has refused or neglected to publish in the same manner in which the publication complained of appeared, a reasonable written explanation or contradiction thereof by the plaintiff, or that the publisher has refused, upon request of the plaintiff, to publish the subsequent determination of such suit or action. This section and sections 2317.04 of the Revised Code do not authorize the publication of blasphemous or indecent matter.

CHAPTER 2319: AFFIDAVITS; DEPOSITIONS

2319.17—Notice by publication.

When the party against whom a deposition is to be read is absent from or not a resident of the state, and has no agent or attorney of record therein, he may be notified of its taking by publication made for three consecutive weeks, in a newspaper printed in the county when the action or proceeding is pending. The publication must contain all that is required in a written notice under section 2319.15 of the Revised Code, and may be proved by affidavit.

CHAPTER 2325: RELIEF AFTER JUDGMENT

2325.16—Service by publication.

When either party to the dormant judgment or finding mentioned in section 2325.15 of the Revised Code, his agent or attorney, makes affidavit showing that the adverse party is not a resident of the state, that such judgment or finding remains unsatisfied in whole or part and the amount owing thereon, service may be made by publication, as provided in section 2703.18 of the Revised Code, but only for judgments or findings in which personal service originally was made on the adverse party.

CHAPTER 2329: EXECUTION AGAINST PROPERTY

2329.12—Bond for delivery of goods and chattels.

When a sheriff, or other officer, by virtue of an execution, levies upon goods and chattels which afterward remain upon his hands unsold for want of bidders, for the want of time to advertise and sell, or for other reasonable cause, for his own security, he may take of the defendant a bond with security in such sum as he deems sufficient, to the effect that the property shall be delivered to the officer holding an execution for the sale of it at the time and place appointed by such officer, either by notice given in writing to the defendant in execution, or by advertisement published in a newspaper printed in the county, naming therein the day and place of sale. If the defendant fails to deliver the goods and chattels at the time and place mentioned in the notice, or to pay to the officer holding the execution the full value of such goods and chattels, or the amount of the debt and costs, the bond shall be considered as broken, and may be proceeded on as in other cases.

2329.13—Notice of sale of goods on execution.

The officer who levies upon goods and chattels by virtue of an execution by a court of record, before he proceeds to sell them shall give public notice of the time and place of sale, for at least ten days before the day of sale.

Such notice shall be given by advertisement published in a newspaper printed and of general circulation in the county. The court ordering such sale may, in the order of sale, designate the newspaper in which such notice shall be published.

2329.23—Notices of sale of lands.

All notices and advertisements for the sale of lands and tenements located in a municipal corporation, made by virtue of the proceedings in a court of record therein, in addition to a description of such lands and tenements, shall contain the street number of the buildings erected on the lands, or the street number of the lots offered for sale. If no such number exists, then the notice or advertisement must contain the name of the street or road upon which such lands and tenements are located, together with the names of the streets and roads immediately north and south or east and west of such lands and tenements that cross or intersect the street or road upon which they are located.

2329.24—Name of township in certain cases.

All notices and advertisements for the sale of lands and tenements located in a township and not within the limits of a municipal corporation, which are made by virtue of proceedings in a court of record therein, must contain the name of the township in which the lands and tenements are located.

2329.26—Notice of time and place.

Lands and tenements taken in execution shall not be sold until the officer taking them gives public notice of the time and place of sale, for at least thirty days before the day of sale, by advertisement in a newspaper printed and of general circulation in the county. The court ordering sale may, in the order of sale, designate the newspaper in which such notice shall be published.

2329.27—Publication.

When the advertisement provided for in section 2329.26 of the Revised Code, is made in a newspaper published weekly, it is sufficient to insert it in five consecutive numbers. If there is both a daily and weekly edition of the paper selected, and the circulation of the daily in the county exceeds that of the weekly, or if the lands and tenements taken in execution are situated in a city, and there is published both a daily and weekly edition of the paper selected, and the circulation of the daily exceeds that of the weekly, it is sufficient to publish the advertisement in the daily once a week or five consecutive weeks before the day of sale, each insertion to be on the same day of the week. The expense of such publication in a daily shall not exceed the cost of publishing it in a weekly. All sales made without such advertisement shall be set aside, on motion, by the court to which the execution is returnable.

2329.38—Printer's fee.

The officer who makes a levy, or holds an order of sale, before giving notice of the sale, may demand of the plaintiff, his agent or attorney, the fees of the printer for publishing such notice. The officer need not make such publication until the fees are paid.

2329.51—New appraisement.

When real estate taken on execution and appraised, advertised, and offered for sale is unsold for want of bidders, the court from which the execution issued, on motion of the plaintiff, shall set aside such appraisement and order a new appraisement to be made, or shall set aside the levy and appraisement and award a new execution to issue. When such real estate or a part of it has been two times appraised and thereafter advertised and offered for sale, and is unsold for want of bidders, the court may direct the amount for which it shall be sold.

CHAPTER 2333: PROCEEDINGS IN AID OF EXECUTION

2333.14—Order of attachment may issue notice.

On the filing of the affidavit of the judgment creditor, his agent, or attorney as required by section 2333.13 of the Revised Code, if the judge is satisfied of the existence of any of the grounds upon which an order of attachment may be issued, as provided by law, the order may issue before the issuance and return of execution. The judge also may require notice of such proceedings to be given to any party in the action, in such manner as seems proper to him.

TITLE XXV: COURT OF APPEALS

CHAPTER 2501: COURT OF APPEALS

2501.04—Publication of order.

Upon receipt of an order pursuant to section 2501.03 of the Revised Code and signed by the judges of his district, the clerk of the court of appeals shall immediately enter such order on the journal of the court of appeals of his county, which entry shall be sufficient evidence as to the legal terms for holding such courts. The clerk shall cause a copy of the order to be published in one or more newspapers of general circulation in such county, once a week on the same day of the week, for three consecutive weeks.

2501.11—Failure to hold a term.

If there is a failure to hold a prescribed term of the court of appeals in a county, and the business of the county requires, the judges of the court shall appoint and hold a term in such county, as soon as practicable. The clerk of the court of appeals shall cause not less than ten days' previous notice of the holding of such special term to be published in one or more newspapers having a general circulation in such county.

CHAPTER 2503: SUPREME COURT

2503.34—Special and adjourned terms.

The supreme court may hold special or adjourned terms at such times and places as a majority of the judges determines. If a special term is held elsewhere than at Columbus, thirty days' notice of the time and place thereof must be given by publication in the newspapers printed in Columbus * * * *

TITLE XXVII: COURTS—GENERAL PROVISIONS—SPECIAL REMEDIES

CHAPTER 2701: COURTS OF RECORD—GENERAL PROVISIONS

2701.09—Publication of court calendar.

In any county in which a daily law journal is printed, the judges of the courts of record, other than the court of appeals, shall jointly designate such daily law journal, in which shall be published all calendars of the courts of record in such county, which calendars shall contain the numbers and titles of causes, and names of attorneys appearing therein, together with the motion

dockets and such particulars and notices respecting causes, as may be specified by the judges, and each notice required to be published by any of such judges.

In all cases, proceedings, administrations of estates, assignments, and matters pending in any of the courts of record of such counties in which legal notices or advertisements are required to be published, such law journal shall, once a week and on the same day of the week, publish an abstract of such legal advertisement, but the jurisdiction over, or irregularity of, a proceeding, trial, or judgment shall not be affected by anything therein.

For the publication of such calendars, motion dockets, and notices, the fees for which are not fixed by law, the publisher of the paper shall receive a sum to be fixed by the judges, not exceeding one dollar for each case brought, to be paid in advance by the party filing the petition, transcripts for appeals, or lien, to be taxed in the costs and collected as other costs. For the publication of abstracts of legal advertising such publisher shall receive a sum to be fixed by the judges, not exceeding one dollar for each case, proceeding, or matter, each time such advertising is had, to be taxed and collected as a part of the costs thereof.

CHAPTER 2703: SERVICE OF SUMMONS

2703.14—Service by publication.

Service may be made by publication in any of the following cases:

(A) In an action for the recovery of real property or of an estate or interest therein, when the defendant is not a resident of this state or his place of residence cannot be ascertained;

(B) In an action for the partition of real property, when the defendant is not a resident of this state or his place of residence cannot be ascertained;

(C) In an action to foreclose a mortgage or to enforce a lien or other encumbrance or charge on real property, when the defendant is not a resident of this state or his place of residence cannot be ascertained;

(D) In an action to compel the specific performance of a contract for the sale of real property, when the defendant is not a resident of this state or his place of residence cannot be ascertained;

(E) In an action to establish or set aside a will, when the defendant is not a resident of this state, or his place of residence cannot be ascertained.

(F) In an action by an executor, administrator, guardian, or trustee seeking the direction of the court respecting the trust or property to be administered and the rights of the parties in interest, when the defendant is not a resident of this state or his place of residence cannot be ascertained;

(G) In an action in which it is sought by a provisional remedy to take or to appropriate in any way property of the defendant, when the defendant is not a resident of this state or is a foreign corporation or his place of residence cannot be ascertained;

(H) In an action against a corporation organized under the laws of this state, which has failed to elect officers or to appoint an agent upon whom service of summons can be made, and which has no place of doing business in this state;

(I) In an action which relates to or the subject of which is real or personal property in this state, when the defendant has or claims a lien thereon, or an actual or contingent interest therein, or the relief demanded consists wholly or partly in excluding him from any interest therein, and such defendant is not a resident of this state or a foreign corporation or his place of residence cannot be ascertained;

(J) In an action against an executor, administrator, or guardian who has given bond as such in this state, but at the time of the commencement of the action is not a resident of this state, or his place of residence cannot be ascertained;

(K) In an action or proceeding for a new trial or other relief after judgment, or other relief after judgment, or to impeach a judgment on order for fraud, or to obtain an order of satisfaction thereof, when the defendant is not a resident of this state or his place of residence cannot be ascertained;

(L) In an action where the defendant, being a resident of this state, has departed from the county of his residence with intent to delay or defraud his creditors or to avoid the service of a summons, or keeps himself concealed with like intent.

2703.15—Affidavit necessary for service by publication.

Before service by publication can be made, an affidavit must be filed that service of summons cannot be made within this state on the defendant sought to be served, and that the case is one of those mentioned in section 2703.14 of the Revised Code.

Such affidavit may be made before any person authorized to administer oaths whether an attorney in the case or not.

2703.16—Notice by publication when residence is known.

When in a case in which service may be made by publication under section 2703.14 of the Revised Code, the residence of the defendant is known, it must be stated in the publication. Immediately after the first publication, the party making the service shall deliver copies thereof, with the proper postage, to the clerk of the court who shall mail a copy to each defendant, directed to his place of residence named therein, and make an entry thereof on the appearance docket. In all other cases the party who makes the service, or his agent or attorney, before the hearing, must make and file an affidavit that the residence of the defendant is unknown and cannot with reasonable diligence be ascertained.

2703.17—Publication.

The publication referred to in section 2703.14 of the Revised Code must be made for six consecutive weeks, in a newspaper printed in the county where the petition is filed. When made in a daily newspaper, one insertion a week is sufficient. It must contain a summary statement of the object and prayer of the petition, mention the court wherein it is filed, and notify the persons to be served when they are required to answer.

2703.18—Proof of service.

Service by publication shall be complete at the date of the last publication when made in the manner and for the time prescribed in sections 2703.14 to 2703.17, inclusive, of the Revised Code. Such service must be proved by affidavit.

2703.19—Personal service out of state.

When service may be made by publication, personal service of a copy of the summons and petition may be made out of the state. Such service shall be proved by affidavit.

2703.24—Proceedings when heir or devisee is unknown.

When an heir or a devisee of a deceased person is a necessary party, and it appears by affidavit that his name and residence are unknown to the plaintiff, proceedings against him may be had without naming him; and the court shall make an order respecting the publication of notice, but the order shall require not less than six weeks' publication.

CHAPTER 2709: APPROPRIATION OF PROPERTY

2709.09—Service by publication.

When a person having an interest in property sought to be appropriated by a corporation is unknown, or his residence is out of this state or is unknown, the corporation may serve him by publishing in a newspaper of general circulation in the county in which the petition is filed, for four consecutive weeks, a notice containing a summary statement of the object and prayer of the petition so far as it relates to the property of such person, the court in which it is filed, and the time when such person is to appear, which shall be not less than ten nor more than twenty days after the last publication. The fact of publication may be proved by the affidavit of any person having knowledge thereof.

2709.12—Amendments.

The probate court or the court of common pleas may amend any defect or informality in the proceedings authorized or required by sections 2709.01 to 2709.46, inclusive, of the Revised Code, or cause new parties to be added, and direct such further notice to be given to a party in interest as the court deems proper.

2709.34—Condemnation of unfinished roadbed.

A railroad corporation of this state may condemn and appropriate to its own use the interest and easement in and quiet title to any unfinished roadbed, or part thereof, lying within this state, and on the line of its proposed road, owned or claimed by another railroad company, person, partnership, or corporation, when such roadbed, or part thereof has remained in an unfinished condition, and without having the ties and iron placed and continued thereon for the period of five years or more, immediately preceding the commencement of proceedings to condemn or appropriate it as provided in this section * * * In such case, if a party defendant is a nonresident of this state, or a foreign corporation, service of summons may be made by publication, as in other proceedings to appropriate the property of foreign corporations or persons not residing in this state.

CHAPTER 2715: ATTACHMENT

2715.25—Disposal of attached property.

The court, or a judge thereof in vacation, may make proper orders for the preservation of property attached during the pendency of a suit and direct a sale of it when, because of its perishable nature or the cost of its keeping, that will be for the benefit of the parties. The sale must be public, after such advertisement as is prescribed for the sale of like property on execution and be made in such manner and on such terms of credit, with security, as, having regard to the probable duration of the action, the court or judge direct * * * *

2715.37—Proceedings after judgment for plaintiff.

If judgment is rendered for the plaintiff in an action in attachment, it shall be satisfied as follows: So much of the property in the hands of the officer, after applying the money arising from the sale of perishable property and so much of the personal property, and lands and tenements, whether held by legal or equitable title, as is necessary, shall be sold by order of the court, under the same restrictions and regulations as if it had been levied on by execution * * * *

CHAPTER 2717: CHANGE OF NAME

2717.01—Proceedings to change name of person.

A person desiring to change his name may file a petition in the court of common pleas or in the probate court of the county in which he resides, setting forth that he has been a bona fide resident of such county for at least one year prior to the filing of the petition, the cause for which the change of name is sought, and the new name asked for. Upon being satisfied, by proof in open court of the truth of the facts set forth in the petition, that there exists reasonable and proper cause for changing the name of the petitioner, and that notice of the intended application has been given by one publication in a newspaper of general circulation in such county at least thirty days prior to the filing of the petition, the court may order such change of name.

CHAPTER 2719: CORRECTION OF DEFECTS IN INSTRUMENTS OR PROCEEDINGS

2719.04—Service.

When the application provided for in section 2719.02 of the Revised Code is made by a body corporate, or by persons intending and undertaking to become such, notice of the application, specifying the error, defect, or omission complained of, and the time and place of hearing it, shall be published for six consecutive weeks in some newspaper of general circulation in the county where the application is made. In all other cases, service shall be made in the manner prescribed by law for making service in civil actions.

CHAPTER 2729: LOST AND DESTROYED RECORDS

2729.09—Restoration of road records.

When an application is filed in the court of common pleas by the board of county commissioners, showing that the records of specified roads of the county were lost or destroyed by fire, riot, or civil commotion and that copies thereof or of some of them are in existence, and praying that the verity of such copies as are produced be ascertained and declared by the court, said court shall require notice to be given by publication for six weeks upon such days, not less than once a week, and in such newspapers as it directs, of the filing and prayer of such application, that it will stand for hearing upon some day fixed by the court, and requiring all persons interested to appear on such day and show cause why the application should not be granted. The court shall cause a copy of such publication to be served at each occupied house on premises abutting on such roads, upon any person dwelling therein, and on the owner of each lot or tract of land abutting on the roads, or his agent, if he is found in the county, at least one week before the day fixed for such hearing.

CHAPTER 2733: QUO WARRANTO

2733.11—Service by publication.

When a summons in an action in quo warranto is returned not served because the defendant, or its officers or office, cannot be found within the county, the clerk of the court in which the action was brought must publish a notice for four consecutive weeks in a newspaper published and of general circulation in the county, setting forth the filing and substance of the petition * * * *

2733.24—Duties of trustees as to notice of court order.

Upon the appointment and qualification of trustees under section 2733.21 of the Revised Code, they shall forthwith give notice of the order dissolving the corporation, of their appointment as trustees, and of the date of their appoint-

ment, by publication once a week for four consecutive weeks in a newspaper of general circulation in the county in which the corporation has or had its principal place of business. Such notice shall require all persons having claims against the corporation to file them with such trustee within ninety days from the date of their appointment. All claims not filed within ninety days from the date of the appointment shall be barred as against such trustees and the property of the corporation, unless the court, for good cause shown, orders otherwise.

LIBEL

The following text and annotations of case law are not intended to be, nor should they be taken as, an exhaustive treatment of the subject of libel nor as a substitute for the employment of legal counsel.

For various reasons, material relating to slander, other than the definition of slander, has been eliminated, except in so far as the principles announced in cases dealing with slander also apply to libel.

Inclusion of the material on libel is designed merely to give a general view of the field of libel as a matter of information. As specific problems arise, it is suggested that the reader's counsel consult the several annotated codes for more comprehensive annotations.

Slander per se consists of words spoken of another which are false and (1) charge an indictable offense involving moral turpitude or infamous punishment or (2) impute some offensive or contagious disease calculated to deprive the person of society or (3) tend to injure him in his trade, occupation or profession or (4) affect the chastity of a woman. In slander per se, the injured person does not need to allege and prove special damages in order to recover. The words themselves must be such that the natural tendency is to produce injury.

False spoken words which do not naturally tend to produce injury, but which with explanation fall into the above categories and produce injury are said to be slanderous per quod, for which the injured person may recover upon pleading and proving special damages.

Libel per se has been defined as a false and malicious publication against a person, either in print or in writing or by pictures, with intent (1) to injure his reputation or (2) to expose him to public hatred, contempt or ridicule or (3) to affect him injuriously in his trade, business or profession. The injured person need not allege and prove special damage in order to recover. The words published must inherently tend to produce the injury complained of.

Libel per quod relates to a publication falling into one of the above categories, but which requires explanation because the words do not inherently tend to produce the injury complained of. The injured person must allege and prove special damage in order to recover.

Other statutory provisions contained below in this book provide for certain defenses to actions for libel. Certain other defensive matter may be used to mitigate or reduce damages. The annotations hereinafter set out will indicate some of the defenses to an action for libel.

LIBEL

Definition.

Libel is any false and malicious publication of, and concerning anyone, either in print, writing or by pictures, with intent to injure his reputation and expose him to public hatred, contempt or ridicule; anything written or printed which reflects upon the character of another and is published without lawful justification or excuse is a libel, whatever the intention may have been. (1905) *Mengert v. News Printing Co.*, 50 Bull. 414.

SLANDER

Definition.

Words imputing the guilt or commission of some criminal offense involving moral turpitude and infamous punishment, or words imputing the existence of some contagious disease, or the unfitness in an officer who holds an office of profit or emolument, either in respect of morals or inability to discharge the duties thereof, or words imputing a want of integrity or capacity, whether mental or pecuniary, in the conduct of a trade or profession, trade, or business, or words imputing want of chastity, are actionable per se. (1929) *Slavinas v. Ambrose*, 27 N.P. (N.S.) 279.

LIBEL

In General.

In action for libel, question is whether publication is calculated to lead persons reading it to believe it referred to plaintiff, not whether publication referred to plaintiff. (1930) *Woolf v. Scripps Pub. Co.*, 35 App. 343, 172 N.E. 389, 32 O.L.R. 519.

A cause of action is stated, in a petition alleging that the publisher of a newspaper caused to be printed and published an article concerning a heinous crime, connecting a named individual with that crime, and maliciously, carelessly, and negligently printing a picture of the plaintiff as the picture of the man charged with connection with the crime. Such a printing and publishing is libelous. (1935) *Petransky v. Repository Printing Co.*, 51 App. 306, 4 O.O. 507, 200 N.E. 647.

Printed words of ridicule or contempt, which relate solely to political views, or arguments on questions of public interest, which do not attack the character of a person, or impute to him immorality or a violation of the law, but which tend merely to lessen a man in public esteem, or to wound his feelings, are not actionable without alleging special damages. (1941) *Sweeney v. Beacon Journal Publishing Co.*, 66 App. 475, 20 O.O. 486, 35 N.E. (2d) 471.

Whatever spoken words will sustain a suit for slander, will, if written, sustain a suit for libel if they are written and published, and many charges not slanderous, will, if written, sustain an action in libel if the tendency of the publication, being malicious, is to degrade and lessen the standing of the person of whom the publication is made. (1950) *Ward v. League for Justice*, 57 O.L.A. 197, 93 N.E. (2d) 723 (App.).

An article must be considered as a whole in determining whether it is libelous. (1919) *Tappmeyer v. Journal-Republican Co.*, 22 N.P. (N.S.) 337, 31 O.D. 32. (1909) *Shallenberger v. Scripps Pub. Co.*, 8 N.P. (N.S.) 633, 20 O.D. 651.

The publication of a person's portrait in a newspaper with a statement thereunder concerning the implication of another person with a crime, causing the person whose portrait was published to be discharged from his employment, was held to be actionable although published by mistake. (1935) *Petransky v. Vindicator Printing Co.*, 20 O.L.A. 82.

Words libelous per se.

To publish that a person is said to have been in the workhouse and have a criminal record is libelous per se. (1893) *Post. Pub. Co. v. Moloney*, 50 O.S. 71, 33 N.E. 921.

Where in an action for libel no special damages are alleged, the article complained of is either a libel per se or it is not a libel at all. (1910) *Hunt v. Meridian Printing Co.*, 17 C.C. (N.S.) 293, 32 C.D. 151.

An article is libelous per se when, if believed by the community to be true, it will work substantial harm. (1903) *Mauk v. Brundage*, 68 O.S. 89, 67 N.E. 152, 62 L.R.A. 477.

Publication of a preamble to an order of the board of health as to the conduct of physicians and surgeons, charging carelessness and negligence in certain cases, is libelous per se. (1903) *Mauk v. Brundage*, 68 O.S. 89, 67 N.E. 152, 62 L.R.A. 477.

A newspaper publication which charges a policeman with having taken money from a prisoner, for which he had refused to account, charges a crime involving moral turpitude and is libelous per se. (1906) *Todd v. East Liverpool Pub. Co.*, 9 C.C. (N.S.) 249, 19 C.D. 155.

To constitute a publication respecting a person libelous per se, it must appear that the publication reflects upon the character of such person by bringing him into ridicule, hatred, or contempt, or affects him injuriously in his trade or profession; hence, a published statement, in a newspaper of and concerning a woman, that she "had hysterics," the same not containing any imputation upon her as an individual, or in respect to her profession or business, is not, though untrue, per se libelous, and cannot be made a ground of recovery of damages in the absence of proof of special damage. (1911) *Cleveland Leader Printing Co. v. Nethersole*, 84 O.S. 118, 95 N.E. 735.

The following libels are libelous per se: (1) libels which impute to a person the commission of an indictable offense, involving moral turpitude or infamous punishment; (2) that which has a tendency to hold a person up to scorn and ridicule, and to feelings of contempt, or impair one in the enjoyment of general society; and (3) that which has a tendency to injure one in his office, trade, calling or profession. (1915) *G. M. McKelvey Co. v. Nanson*, 5 App. 73, 24 C.C. (N.S.) 314, 26 C.D. 390.

Publication of statements concerning a candidate for judge that "he does not possess the essential qualifications to serve in the office which he seeks," and "in our opinion he is not qualified for the bench and should not be elected," is not libel per se. (1934) *Hogan v. Forest City Pub. Co.*, 19 O.L.A. 127.

It is libelous per se to erroneously write that a person is a communist or of communistic sympathy. (1948) *Burrell v. Moran*, 38 O.O. 185, 82 N.E. (2d) 334 (C.P.).

It is libelous per se to write of a man as a communist, that label tending to taint him as a man of disrepute. (1950) *Ward v. League for Justice*, 57 O.L.A. 197, 93 N.E. (2d) 723 (App.).

Printed words of ridicule or contempt, which relate solely to political views or arguments on questions of public interest, and which do not attack the character of a person and do not impute immorality or a violation of law, but merely tend to lessen a man in public esteem or to wound his feelings, are not libelous per se. (1919) *Holloway v. Scripps Pub. Co.*, 11 App. 226, 30 O.C.A. 599.

Imputations Relating to Employment or Office.

It is libelous per se falsely to impute to a person in his character as a public officer misconduct or a want of integrity or to charge that he has been induced to act in his official capacity by a pecuniary or other improper consideration. (1947) *Westropp v. E. W. Scripps Co.*, 148 O.S. 365, 35 O.O. 341, 74 N.E. (2d) 340.

A simple statement that a person is disloyal in connection with his employment is not libelous per se. (1952) *Johnson v. Campbell*, 91 App. 483, 49 O.O. 68, 108 N.E. (2d) 749.

Malice.

Unless the article published was entirely true, the law implies malice and liability will attach and the plaintiff can recover damages. (1890) *Kahn v. Cincinnati Times-Star*, 8 N.P. 616, 10 O.D. 599.

Where the published words are actionable per se, the law will imply malice of the character necessary to support a judgment for plaintiff; in

order to make out a prima facie case, actual malice need not be proved. (1947) *Westropp v. E. W. Scripps Co.*, 148 O.S. 365, 35 O.O. 341, 74 N.E. (2d) 340.

PUBLICATION

What constitutes.

Printing a libel, coupled with allowing others to read it, or delivering it for distribution, is publishing. (1845) *Pugh v. Starbuck*, 1 Dec. Rep. 143, 2 W.L.J. 503.

DEFENSES

Statements Made by Another.

A newspaper publication charging a crime involving moral turpitude does not lose its libelous character by reason of the fact that it was a mere repetition of what others had said. (1906) *Todd v. East Liverpool Pub. Co.*, 9 C.C. (N.S.) 249, 19 C.D. 155.

Truth of Charge.

When charge is alleged in petition, defense that it is true must meet and answer the substance of the defamatory charge, substantial justification being sufficient. (1925) *Lowry v. Stantz*, 3 O.L.A. 375.

Matters of Public Concern.

A libelous charge against a public officer cannot be defended by the newspaper printing it on the ground that it was of public interest and, as such, was privileged, but to make the defense of privilege available it must be shown that reasonable diligence was used to ascertain the truth of the charge and that it was published in good faith. (1906) *Todd v. East Liverpool Pub. Co.*, 9 C.C. (N.S.) 249, 19 C.D. 155.

Broad immunity is conferred upon the discussion of matters of public concern in the form of expressions of opinion, but the rule that fair comment on the criticism of the acts and conduct of a public officer are, in the absence of malice, privileged, has no application where the written publication complained of is a false statement of fact and made with knowledge that it is false. (1947) *Westropp v. E. W. Scripps Co.*, 148 O.S. 365, 35 O.O. 341, 74 N.E. (2d) 340.

Where an act is really done by an officer, the public press may comment upon it and bring it up before the public for public condemnation, if it is wrongful. (1906) *Todd v. East Liverpool Pub. Co.*, 9 C.C. (N.S.) 249, 19 C.D. 155.

Criticism of a public officer, even to the point of severity or ridicule, and deductions from his acts and conduct where made with a show of reason and with good motives, do not fall within the realm of libel. (1909) *State v. Harris*, 7 O.L.R. 626, 56 Bull. 86.

General Code Sec. 11343-1 and 11343-2, which provide that the publication of fair and impartial reports of proceedings before executive, legislative or judicial officials is privileged, are valid and constitutional. (1917) *Heimlich v. Dispatch Printing Co.*, 6 App. 394, 27 O.C.A. 333, 29 C.D. 149. (1898) *Parks v. Enquirer Co.*, 16 C.C. 409, 8 C.D. 621.

Comment on Candidates.

While a candidate for public office does not thereby waive all rights of action for injuries to his reputation, he gives to the general public a right to employ a greater freedom of expression concerning his qualifications and characteristics than would have been permissible had he not been a candidate. (1915) *Foster v. Fesler*, 19 N.P. (N.S.) 12, 27 O.D. 127.

Miscellaneous.

A newspaper has no greater right to comment on and criticise a public officer than an individual has. If facts are charged against him and are untrue, they cannot be called criticism. (1882) *Cincinnatti Gazette Co. v. Bishop,* 6 Dec. Rep. 1113, 10 Am.L. Rec. 488, 8 Dec.Rep. 308, 7 Bull. 60. (1879) *Wahle v. Cincinnati Gazette Co.,* 6 Dec.Rep. 709, 7 Am.L.Rec. 541, 7 Dec.Rep. 581, 4 Bull. 61.

EVIDENCE

Presumptions.

The defense of truth pleaded in a libel action casts upon the defendant the burden of going forward with the evidence, there being a presumption of fact that character and reputation are good and therefore that imputations to the contrary are false. (1935) *Dabney v. Russell,* 50 App. 43, 8 O.O. 175, 197 N.E. 409.

Ohio App. 1935. Where a publication is libelous per se, malice will be presumed notwithstanding the reference to plaintiff and the publication of plaintiff's picture in connection with the libelous publication was a mistake on the part of defendant's editor. *Petransky v. Repository Printing Co.,* 200 N.E. 647, 51 Ohio App. 306, 4 O.D. 507, 20 O.L.A. 82.

Ohio App. 1925. Where words concerning plaintiff are false, law infers malice, and where their natural tendency is to injure, law presumes damages. *Peer v. Hoiles,* 3 O.L.A. 653.

CHAPTER 2739: SLANDER: LIBEL

2739.01—Libel and slander.

In an action for a libel or slander, it is sufficient to state, generally, that the defamatory matter was published or spoken of the plaintiff. If the allegation is denied, the plaintiff must prove the facts, showing that the defamatory matter was published or spoken of him. In such action it is not necessary to set out any obscene word, but it is sufficient to state its import.

2739.02—Defenses in actions for libel or slander.

In an action for a libel or a slander, the defendant may allege and prove the truth of the matter charged as defamatory. Proof of the truth thereof shall be a complete defense. In all such actions any mitigating circumstances may be proved to reduce damage.

2739.03—Libel and slander liability of radio and television stations.

(A) The owner, licensee, or operator of a visual or sound radio broadcasting station or network of stations, shall not be liable for any damages for any defamatory statement uttered over the facilities of such station or network by or on behalf of any candidate for public office where such statement is not subject to censorship or control by reason of any federal statute or any ruling or order of the Federal Communications Commission made pursuant thereto, provided, however, that this section shall not apply to any owner, licensee or operator of such visual or sound radio broadcasting station, or network of stations, when such owner, licensee, or operator is a candidate for public office or speaking on behalf of a candidate for public office.

(B) The owner, licensee, or operator, shall not be liable for any damages for any defamatory statement published or uttered in or as a part of a visual or sound radio broadcast, by any other than such owner, licensee, or operator, or agent or employee thereof, if it shall be proved by such owner, licensee, or operator, that he exercised reasonable care to prevent the publication or utterance of such statement in such broadcast time.

(C) If any broadcasting station, at any time, broadcasts, publishes, or

circulates any false statement, allegation, or rumor pertaining or relating to any individual or association of individuals, or to any trade, labor, business, social, economic or religious organization or to any firm, corporation, or business, or to any public official or candidate for a public office, the said broadcasting station upon demand of any person or persons affected or of their representatives, shall broadcast any statement setting forth in proper language the truth pertaining to such statement, allegation, or rumor, which said person or persons or their representatives shall offer to said broadcasting station for broadcast.

(D) Whenever demand has been made for the broadcast of a statement under division (C) of this section, the broadcasting station shall broadcast the same within forty-eight hours following the receipt of such statement. Such statement shall be phrased in proper language and be broadcast without any additions to, or omissions therefrom, in as prominent a time as the original broadcast to which the statement relates. Said broadcasting station shall broadcast such statement without cost to such persons or their representatives; and such broadcast may be proved at the trial of a suit for damages as a mitigating circumstance to reduce damages, provided that any voluntary broadcast made without demand may be used to rebut any presumption of malice or injury on the part of such station growing out of the original broadcast to which the same related. This section does not prevent the injured party from alleging and proving actual malice on the part of the owner, licensee, or operator, and any special damages resulting to him therefrom.

(E) Every statement which broadcasting stations are required to broadcast under division (C) of this section shall be sworn to by the person offering the same for broadcast, but the certificate of the notary or other official showing that the statement was so made under oath, shall not be broadcast.

No person shall willfully swear falsely to any such statement and whoever does so, is guilty of perjury and shall be punished as provided in division (F) of section 2739.99 of the Revised Code.

No broadcasting station shall be held liable in any civil or criminal proceedings for anything in any such statement.

(F) No broadcasting station shall refuse or fail to broadcast and circulate any statement or article if true as required by division (C) of this section.

(G) Any person responsible for refusing to broadcast and circulate any statement mentioned in division (C) of this section shall be fined as provided in division (H) of section 2739.99 of the Revised Code.

The prosecuting attorney of the county in which such broadcasting station is located when complaint is made to him in writing of the refusal or failure of any such broadcasting station or person to comply with divisions (C), (D), (E), (F), and (G) of this section, relative to the broadcasting of such statements, shall investigate said complaint and upon reasonable cause begin proceedings against such broadcasting station or person and prosecute the same.

2739.11—Definitions.

Any person, firm, partnership, voluntary association, joint-stock association, or corporation, wherever organized or incorporated, engaged in the business of printing or publishing a newspaper, magazine, or other periodical sold or offered for sale in this state, is a newspaper company, and any such newspaper, magazine, or other periodical publication is a newspaper within the meaning of sections 2739.13 to 2739.18, inclusive, of the Revised Code.

2739.12—Newspaper reporters not required to reveal source of information.

No person engaged in the work of, or connected with, or employed by any newspaper or any press association for the purpose of gathering, procuring, compiling, editing, disseminating, or publishing news shall be required to disclose the source of any information procured or obtained by such person in the

course of his employment, in any legal proceeding, trial, or investigation before any court, grand jury, petit jury, or any officer thereof, before the presiding officer of any tribunal, or his agent, or before any commission, department, division, or bureau of this state, or before any county or municipal body, officer or committee thereof.

2739.13—Correction of false statement formerly published.

If any newspaper company, at any time, prints, publishes, or circulates any false statement, allegation, or rumor relating to any individual or association, of individuals, or to any trade, labor, business, social, economic, or religious organization or to any firm, corporation, or business, or to any public official or candidate for a public office, such company upon demand of any persons affected or of their representatives, shall print, publish, and circulate any statement or article setting forth in proper language the truth pertaining to such statement, allegation, or rumor, which such persons or their representatives shall offer to such company for publication.

2739.14—Publishing corrected statements.

Whenever demand has been made for the publication of statements or articles under section 2739.13 of the Revised Code, the newspaper company shall print and circulate the same in the next regular issue or within forty-eight hours following the receipt of such statement or article. Such statement or article shall be phrased in proper language and be printed without any addition to, or omissions therefrom, in the same color of ink, from like type, with headlines of equal prominence, occupying a like space in the same portion of the newspaper as was used in printing the original article complained of, and shall be given the same publicity in all respects and, as nearly as possible, the same circulation as such original article. Such company shall print and publish such statements or article without cost to such persons or their representatives; and such publication may be proved at the trial of a suit for damages as a mitigating circumstance to reduce damages, provided that any voluntary publication made without demand may be used to rebut any presumption of malice or injury on the part of such company growing out of the original publication to which the same related. This section does not prevent the injured party from alleging and proving actual malice on the part of the publisher and any special damages resulting therefrom.

2739.15—Published statements shall be sworn to.

(A) Every statement or article which newspaper companies are required to publish under sections 2739.13 to 2739.18, inclusive, of the Revised Code, shall be sworn to by the person offering the same for publication, but the certificate of the notary or other official showing that the statement was so made under oath, shall not be published.

(B) No person shall willfully swear falsely to any such statement or article and whoever does so, is guilty of perjury.

No newspaper company shall be held liable in any civil or criminal proceedings for anything in such statement or article.

2739.16—Refusal or failure to publish.

(A) No newspaper company shall refuse or fail to print, publish, and circulate any statement or article if true as required by sections 2739.13 to 2739.18, inclusive, of the Revised Code.

(B) Any person responsible for refusing to print, publish, and circulate any statement or article mentioned in division (A) of this section shall be fined as provided in division (C) of section 2739.99 of the Revised Code.

The prosecuting attorney of the county in which such newspaper is published, when complaint is made to him in writing of the refusal or failure of any newspaper company or persons to comply with sections 2739.13 to 2739.18,

inclusive, of the Revised Code, relative to the publication of such statements or articles, shall investigate said complaint and upon reasonable cause begin proceedings against such newspaper company or person and prosecute the same.

2739.17—Prohibition against furnishing false news item.

No person shall contribute or furnish any statement, allegation, or news item to a newspaper, knowing that such a statement, allegation, or news item is untrue. Prosecution under this section shall be upon complaint of such newspaper company or any person injured in property, person, or reputation by the publication of such statement, allegation, or news item.

2739.18—Prohibition against threats of publication to influence official action.

No newspaper company, or owner, officer, editor, writer, or representative thereof, shall attempt improperly to influence any public official for or against any public measure or official action by threats of publication of articles derogatory to such public official, or seek improperly to influence such public official on the floor or in the cloakrooms or committee rooms of any general assembly or other legislative body, to which he has access because of his connection with the newspaper, for or against any proposed law, ordinance, or other legislative act.

2739.99—Penalties.

(A) Whoever violates division (B) of section 2739.15 of the Revised Code shall be fined not more than five hundred dollars or imprisoned not more than one year, or both.

(B) Whoever violates division (A) of section 2739.16 of the Revised Code shall be fined not more than one thousand dollars.

(C) Whoever violates division (B) of section 2739.16 of the Revised Code shall be fined not more than five hundred dollars.

(D) Whoever violates section 2739.17 of the Revised Code shall be fined not more than five hundred dollars or imprisoned not more than six months, or both.

(E) Whoever violates section 2739.18 of the Revised Code shall be fined not more than one thousand dollars or imprisoned not more than one year, or both.

(F) Whoever violates division (E) of section 2739.03 of the Revised Code shall be fined not more than five hundred dollars or imprisoned not more than one year, or both.

(G) Whoever violates division (F) of section 2739.03 of the Revised Code shall be fined not more than one thousand dollars.

(H) Whoever violates division (G) of section 2739.03 of the Revised Code shall be fined not more than five hundred dollars.

TITLE XXIX: CRIMES—PROCEDURE

CHAPTER 2901: OFFENSES RELATING TO PERSONS

2901.37—Libel.

No person shall write, print, or publish a false or malicious libel of, or concerning, another, or utter or publish a false or malicious slander of, or concerning, a female of good repute, with intent to cause it to be believed that such female is unchaste.

Whoever violates this section shall be fined not more than five hundred dollars or imprisoned not more than five years, or both. Nothing written or printed is a libel unless there is a publication thereof.

2905.33—Advertising secret drugs.

No person shall print or publish an advertisement of a secret drug or nostrum purporting to be for the exclusive use of females, or which cautions females against its use when in a pregnant condition, or publish an account or description of a drug, medicine, instrument, or apparatus for preventing conception, or for procuring an abortion or miscarriage, or keep for sale or gratuitous distribution of a newspaper, circular, pamphlet, or book containing such advertisement, account, or description.

Whoever violates this section shall be fined not more than one thousand dollars or imprisoned not more than six months, or both.

2905.34—Selling, exhibiting, and possessing obscene literature or drugs for criminal purposes.

No person shall knowingly sell, lend, give away, exhibit, or offer to sell, lend, give away, or exhibit, or publish or offer to publish or have in his possession or under his control an obscene, lewd, or lascivious book, magazine, pamphlet, paper, writing, advertisement, circular, print, picture, photograph, motion picture film, or book, pamphlet, paper, magazine not wholly obscene but containing lewd or lascivious articles, advertisements, photographs, or drawing, representation, figure, image, cast, instrument, or article of an indecent or immoral nature, or a drug, medicine, article or thing intended for the prevention of conception or for causing an abortion, or advertise any of them for sale, or write, print, or cause to be written or printed a card, book, pamphlet, advertisement, or notice giving information when, where, how, of whom, or by what means any of such articles or things can be purchased or obtained, or manufacture, draw, print, or make such articles or things, or sell, give away, or show to a minor, a book, pamphlet, magazine, newspaper, story paper, or other paper devoted to the publication, or principally made up, of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of immoral deeds, lust, or crime, or exhibit upon a street or highway, in a place which may be within the view of a minor, any of such books, papers, magazines, or pictures.

Whoever violates this section shall be fined not less than two hundred nor more than two thousand dollars or imprisoned not more than seven years, or both.

2905.35—Search warrants; disposition of property seized.

A magistrate, or a judge of any court having jurisdiction in that county, when a building, house, structure, or place or any part or portion thereof to be searched is situated in a township or municipal corporation having no magistrate, shall issue warrants to search such house or place, upon the complaint that any person within his jurisdiction is violating section 2905.33 or 2905.34 of the Revised Code, supported by oath or affirmation, directed to the sheriff or to any constable, marshal, or police officer within the county, directing him to search for, seize, and take possession of any of the articles specified in section 2905.33 or 2905.34 of the Revised Code, in the possession of the person against whom complaint is made. The magistrate shall immediately transmit every article seized by virtue of the warrant, to the prosecuting attorney, who shall, upon conviction of the person from whose possession the same was taken, cause it to be destroyed, and the fact of such destruction to be entered upon the records of the court in which the conviction is had.

2905.36—Sending obscene literature by mail.

No person shall deposit in a post office, or place in charge of a person to be carried or conveyed, any of the obscene, lewd, indecent, or lascivious articles or things named in section 2905.34 of the Revised Code, or a circular, handbill, card, advertisement, book, pamphlet, or notice of the kind specified in said section, or give oral information where, how, or of whom such obscene, lewd, indecent, or lascivious articles or things can be purchased or obtained or knowingly receive any of them with intent to carry or convey, or knowingly carry or convey them, except in the United States mail.

Whoever violates this section shall be fined not less than fifty nor more than one thousand dollars or imprisoned not more than one year, or both.

2905.37—Legitimate publications not obscene.

Sections 2905.33 to 2905.36, inclusive, of the Revised Code do not affect teaching in regularly chartered medical colleges, the publication of standard medical books, or regular practitioners of medicine or druggists in their legitimate business, nor do they affect the publication and distribution of bona fide works of art. No articles specified in sections 2905.33, 2905.34, and 2905.36 of the Revised Code shall be considered a work of art unless such article is made, published, and distributed by a bona fide association of artists or an association for the advancement of art whose demonstrated purpose does not contravene sections 2905.06 to 2905.44, inclusive, of the Revised Code, and which is not organized for profit.

2905.38—Delivering or depositing immoral literature.

No person shall leave or place or cause to be left or placed upon the doorstep or premises owned or occupied by another, or deliver or mail to a child under sixteen years of age, printed or written matter advertising or mentioning a drug, nostrum, receipt, or method of treatment for venereal diseases or referring to a method of treatment purporting to restore procreative organs injured by immoral practices * * * *

2905.39—Printing or posting immoral pictures.

No person shall make or print in or upon his premises, or post, publish, or exhibit in or upon a building, billboard, bridge, or fence where it can be publicly seen, a picture or figure that is lascivious, indecent, immoral, or impure, or which represents crime or lust, or tends to corrupt morals, or permit such an act to be done by another in or upon his premises, building, billboard, bridge, or fence * * * *

This section does not apply to the printing and publication in book or magazine form of illustrations for scientific purposes.

CHAPTER 2907: OFFENSES AGAINST PROPERTY—GENERALLY

2907.43—Sale of unclaimed, stolen, or abandoned property in possession of officer.

Property stolen, embezzled, obtained under false pretenses, or abandoned and remaining in the possession of an officer or state highway patrolman and unclaimed by the owner for three months after the trial of the person charged with the larceny, embezzlement, false obtaining thereof, or abandonment, or for six months after the property came into the custody of such officer or state highway patrolman, if the person so taking it or abandoning it is not arrested, or being arrested, escapes, shall be sold at auction to the highest bidder, under the direction of the prosecuting attorney, after public notice of such auction in a newspaper printed in the county * * * *

CHAPTER 2909: OFFENSES AGAINST PROPERTY—MALICIOUS AND OTHER INJURIES

2909.10—Destroying books or paintings.

No person shall intentionally deface, obliterate, tear, or destroy, in whole or in part, or cut or remove an article or advertisement or any page or part of any scientific material, newspaper, book, magazine, or periodical belonging to another person, association, corporation, or public library, or intentionally deface, obliterate, or destroy, in whole or in part, any picture, painting, sculpture, statue, monument, or any work of art or reproduction of a work of art, belonging to another person, association, corporation, museum, or public library * * * *

CHAPTER 2911: FRAUDS

2911.03—False statements.

No person shall knowingly make or cause to be made, either directly or indirectly, or through any agency, any false statement in writing, with intent that it shall be relied upon, or, knowing that a false statement in writing has been made by another with such intent, respecting the financial condition, property, indebtednes, means, or ability to pay, of himself or any other person, firm or corporation, in which he is interested or for which he is acting, and upon the faith thereof procure, by himself or by some other person for or in collusion with him or with his knowledge, in any form, either the delivery of personal property, or chose in action, the payment of money, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, or indorsement of a bill of exchange, promissory note, or other commercial paper, either for the benefit of himself, or such person, firm, or corporation.

Whoever violates this section shall be fined not more than one thousand dollars or imprisoned not more than six years, or both, if the value of the thing procured or the amount of the loan, credit, or benefit procured is sixty dollars or more. If the value is less than sixty dollars, such person shall be fined not more than three hundred dollars or imprisoned not more than ninety days, or both.

2911.07—Reporting false transaction.

No person shall, with intent to deceive, report or publish or cause to be reported published as a purchase or sale of stocks or bonds, any transaction therein, whereby no actual change of ownership or interest is effected.

Whoever violates this section shall be fined not more than five thousand dollars or imprisoned not more than one year, or both.

2911.08—False statements concerning value of stocks, bonds, or notes.

No person shall, with intent to deceive, make, issue, publish, or cause to be made, issued or publish, any statement or advertisement as to the value or as to facts affecting the value of stocks, bonds, or notes, or as to the financial condition of any corporation issuing the same, knowing or having reasonable ground to know that any material representation, prediction, or promise made in such statement is false.

Whoever violates this section shall be fined not more than five thousand dollars or imprisoned not more than three years, or both.

2911.10—Aiders and abettors.

Every member of a firm of brokers or dealers or an employee thereof who knowingly consents or assents to a violation of sections 2911.04 to 2911.09, inclusive, of the Revised Code, is guilty of a violation of such sections.

2911.30—Publishing fraudulent prospectus.

No person shall knowingly make or publish, or permit or cause to be made or published, a book, prospectus, notice, report, statement, exhibit, or other publication of or concerning the affairs, financial condition, or property of a corporation, joint-stock association, partnership, or individual, containing a statement which is false or willfully exaggerated and intended to deceive any person as to the real value of any shares, bonds, or property of said corporation, joint-stock association, partnership, or individual.

Whoever violates this section shall be fined not less than one hundred nor more than ten thousand dollars or imprisoned not less than one nor more than five years, or both.

2911.41—Fraudulent advertising.

No person shall directly or indirectly make, publish, disseminate, circulate, or place before the public, in this state, in a newspaper, magazine, or other publication, or in the form of a book, notice, handbill, poster, circular, pamphlet, letter, sign, placard, card, label, or over any radio station, or in any other way, an advertisement or announcement of any sort regarding merchandise, securities, service, employment, real estate, or anything of value offered by him for use, purchase, or sale, and which advertisement or announcement contains any assertion, representation, or statement which is untrue, or fraudulent.

Whoever violates this section shall be fined not more than two hundred dollars or imprisoned not more than twenty days, or both.

2911.42—Prosecuting attorney may bring action for fraudulent advertising.

Whenever a prosecuting attorney believes from evidence satisfactory to him that any person, firm, corporation, or association, or agent or employee thereof, has repeatedly engaged in any act or practice prohibited by section 2911.41 of the Revised Code, he may bring an action in the name and on behalf of the state against such person, firm, corporation, or association, or agent or employee thereof, to enjoin permanently such person, firm, corporation, or association, or agent or employee thereof, from continuing such acts or practices. In said action, upon a hearing on the merits, an order or a judgment may be entered awarding the relief applied for or so much thereof as the court finds proper.

CHAPTER 2915: GAMBLING

2915.19—Advertising lotteries, venue.

No person shall write, print, or publish an account of a lottery or scheme of chance, by whatsoever name, style, or title denominated or known, stating when or where it is to be or has been drawn, or the prices therein, or any of them, or the price of a ticket, or showing where a ticket may be or has been obtained, or giving publicity to such lottery or scheme of chance.

Whoever violates this section is liable to prosecution in each county where such publication was circulated by him.

CHAPTER 2923: OFFENSES AGAINST SOCIETY NOT OTHERWISE CLASSIFIED

2923.13—Advocating criminal syndicalism.

No person shall by word of mouth or writing, advocate or teach the duty, necessity, or propriety of crime, sabotage, violence, or unlawful methods of terrorism as a means of accomplishing industrial or political reform; or print, publish, edit, issue, or knowingly circulate, sell, distribute, or publicly display

any book, paper, document, or written matter in any form, containing or advocating, advising or teaching the doctrine that industrial or political reform should be brought about by crime, sabotage, violence, or unlawful methods of terrorism; or openly, willfully, and deliberately justify, by word of mouth or writing, the commission or the attempt to commit crime, sabotage, violence, or unlawful methods of terrorism with intent to exemplify, spread or advocate the propriety of the doctrines of criminal syndicalism; or organize or help to organize or become a member of, or voluntarily assemble with any society, group, or assemblage of persons formed to teach or advocate the doctrines of criminal syndicalism.

Whoever violates this section shall be fined not more than five thousand dollars or imprisoned not more than ten years, or both.

CHAPTER 2965: PARDON; PAROLE

2965.18—Notice of pendency of pardon.

At least three weeks before the pardon and parole commission recommends any pardon or commutation of sentence, or grants any parole, notice of the pendency of such matter, setting forth the name of the person on whose behalf it is made, the crime of which he was convicted, the time of conviction, and the term of sentence, shall be sent to the prosecuting attorney and the judge of the court of common pleas of the county in which the indictment against the convict was found. Where there is more than one such judge the notice shall be sent to the presiding judge of said county. The said notice shall also be published once each week for two consecutive weeks in a newspaper published and of general circulation in said county. When notice of the pendency of any such matter has once been given as provided in this section, and hearing on the matter is continued to a date certain, it is not necessary to publish such notice again, but notice of the further consideration of such matter shall be given by mail to the proper judge and prosecuting attorney at least ten days before such further consideration.

In case of an application for the pardon or commutation of sentence of a person sentenced to capital punishment, the governor may modify the requirements of such notification and publication if there is not sufficient time for compliance therewith before the date fixed for the execution of sentence.

TITLE XXXI: DOMESTIC RELATIONS—CHILDREN

CHAPTER 3101: MARRIAGE

3101.05—License application; physician's statement; serological test.

* * * * The statements of the physician who examined the applicant, and the laboratory which made the serological test shall be uniform throughout the state and shall be upon forms provided therefor by the department. These forms shall be filed by the clerk of the probate court separately from the applications for marriage license, and shall be held confidential by every report. No person shall disregard the confidential character of the information or reports required.

CHAPTER 3105: DIVORCE AND ALIMONY

3105.02—Prohibition.

No person shall advertise, print, publish, distribute, or circulate a circular, pamphlet, card, handbill, advertisement, printed paper, book, newspaper, or

notice, or cause such to be done, with the intent to procure or aid in procuring divorces, either in this state or elsewhere. This section does not apply to the printing or publishing of a notice or advertisement authorized by law.

3105.06—Notice to nonresident.

If the defendant in an action for divorce or for alimony is not a resident of this state, is a resident of this state but personal service cannot be served upon him, or his residence is unknown, notice of the pendency of the action must be given by publication as provided by sections 2703.14 to 2703.27, inclusive, of the Revised Code. Unless it is made to appear to the court of common pleas, by affidavit or otherwise, that his residence is unknown to the plaintiff and that after the exercise of reasonable diligence it cannot be ascertained, a summons and copy of the petition, forthwith on the filing of it, shall be mailed to the defendant at his last known place of residence.

CHAPTER 3107: ADOPTION

3107.06—Consent.

No final decree or interlocutory order of adoption shall be entered by the probate court unless there is filed with the court written consents to the adoption, verified or acknowledged by the following: * * * *

(B) By each of the living parents, adult or minor, except as follows: * * * *

(4) If it is alleged in the petition that one or both of the parents have willfully failed to properly support and maintain the child for a period of more than two years immediately preceding the filing of the petition, the court shall cause notice of the filing of said petition and the allegations of such failure to be given such parents as provided in sections 2101.26 to 2101.28, inclusive, of the Revised Code. After such notice has been given, the court shall determine the issue as to such failure to properly support and maintain the child * * * *

3107.08—Approval or disapproval of placement; jurisdiction.

If the probate court finds that a child sought to be adopted was placed in the home of the petitioner in violation of the laws relating to the placement of children in foster homes, it may certify a copy of such finding to the juvenile court of the county where the child is living and suspend further action on the petition. The juvenile court shall, after notice to the parents of the child, the petitioners, the persons who placed the child in said home, and all other persons in interest as provided in sections 2101.26 to 2101.28, inclusive, of the Revised Code, and after hearing, determine whether such placement is for the best interest of the child, and shall thereupon either approve or disapprove the same and certify a copy of its findings to the probate court wherein the petition is filed * * * *

If the probate court does not certify its finding to the juvenile court, the probate court shall, after notice to the persons mentioned in this section and as provided in sections 2101.26 to 2101.28, inclusive, of the Revised Code, and after hearing, approve or disapprove the placement * * * *

CHAPTER 3111: BASTARDY

3111.22—Service by publication.

Upon the return of an order of attachment in a proceeding under sections 3111.01 to 3111.24, inclusive, of the Revised Code, service may be had by the publication, for six consecutive weeks, in a newspaper of general circulation in the county wherein the cause is pending, of a notice of the pendency of the proceeding, stating its object, the substance of the complaint, and that an order of attachment has been issued and served therein. In such case, copies

of the complaint and order of attachment, with the return thereon must be forthwith mailed to the accused at his place of residence, unless it appears to the court, by affidavit or otherwise, that such residence is unknown to the complainant, and could not with reasonable diligence be ascertained by her.

TITLE XXXIII: EDUCATION—LIBRARIES

CHAPTER 3311: SCHOOL DISTRICTS: COUNTY PLANNING

3311.27—Publication of adopted resolution.

The county board of education shall cause any resolution adopted by such board evidencing any action, authorized by sections 3311.23 and 3311.26 of the Revised Code, to be published in one newspaper of general circulation in the territory affected, once each week for two consecutive weeks, and such application shall be completed not later than the third Saturday following the adoption by the board of such resolution.

CHAPTER 3313: BOARDS OF EDUCATION

3313.41—Sale of real or personal property.

When a board of education decides to dispose of real or personal property, held by it in its corporate capacity, exceeding in value six hundred dollars, it shall sell such property at public auction, after giving at least thirty days' notice thereof by publication in a newspaper of general circulation, or by posting notices thereof in five of the most public places in the district in which such property is situated * * * *

3313.46—Procedure for bidding and letting of contracts.

When the board of education determines to build, repair, enlarge, or furnish a schoolhouse, or make any improvements or repairs, the cost of which will exceed in city districts, six thousand dollars, and in other districts four thousand dollars, except in cases of urgent necessity, or for the security and protection of school property, it must proceed as follows:

(A) For the period of four weeks, the board shall advertise for bids in some newspaper of general circulation in the district and two such papers, if there are two. If no newspaper has a general circulation in the district, then the board shall post such advertisement in three public places in the district. Such advertisement shall be entered in full by the clerk of the board of education, on the record of proceedings of the boards * * * *

CHAPTER 3375: LIBRARIES

3375.41—Procedure when cost of building or improvements exceeds five thousand dollars.

When a board of library trustees appointed pursuant to sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, and 3375.50 of the Revised Code determines to build, repair, or enlarge a library or make any improvements or repairs, the cost of which will exceed five thousand dollars, except in cases of urgent necessity or for the security and protection of library property, it must proceed as follows:

(A) The board shall advertise for a period of four weeks for bids in some newspaper of general circulation in the district and if there are two such papers, the board shall advertise in both of them. If no newspaper has a

general circulation in the district, the board shall advertise by posting such advertisement in three public places therein. Such advertisement shall be entered in full by the clerk on the record of proceedings of the board.

(B) The sealed bids must be filed with the clerk by twelve noon of the last day stated in the advertisement * * * *

TITLE XXXV—ELECTIONS

CHAPTER 3501: ELECTION PROCEDURE: ELECTION OFFICIALS

3501.03—Notice of elections.

At least ten days before the time for holding an election the board of elections shall give public notice by a proclamation, posted in a conspicuous place in the courthouse and city hall, or by one insertion in a newspaper published in the county, but if no newspaper is published in such county, then in a newspaper of general circulation therein.

The board shall have authority to publicize information relative to registration or elections.

3501.11—Duties of board.

Each board of elections shall exercise by a majority vote all powers granted to such board by Title XXXV of the Revised Code, shall perform all the duties imposed by law, and shall: * * * *

(F) Advertise and contract for the printing of all ballots and other supplies used in registrations and elections;

(G) Provide for the issuance of all notices, advertisements, and publications concerning elections required by law; * * * *

3501.21—Notice of change of precinct; hearing; registrants notified of change of polling place.

When the board of elections deems it necessary to change, divide, or combine any precinct, or to locate a polling place outside the boundaries of a precinct, it shall, at least thirty days previous to any election, give ten days notice by posting a notice in a conspicuous place in the board's office and in at least one conspicuous place in such precinct, stating that such question will be considered on a day named in the notice * * * * When the location of a polling place in a registration precinct has been changed either within or outside a precinct, the board shall notify each of the registrants in such precincts of such change by mail.

When the location of a polling place in a non-registration precinct has been changed, notice to that effect shall be inserted in one or more newspapers of general circulation in the county.

CHAPTER 3503: VOTERS—QUALIFICATIONS; REGISTRATION

3503.12—Facilities for new registrations and changes of registration.

After a general registration the board of elections, in order to facilitate new registrations and the change of registrations by electors already registered * * * may publish notices in one or more newspapers of general circulation advertising the places, dates, and times of registration.

CHAPTER 3505: GENERAL AND SPECIAL ELECTION BALLOTS

3505.13—Contract for printing ballots.

The contract for the printing of the ballots shall not be let until after ten days' notice published once in two leading newspapers published in the county or upon notice given by mail by the board of elections, addressed to the responsible printing offices within the county. Each bid for such printing must be accompanied by a bond with at least two sureties, or a surety company, satisfactory to the board, in a sum double the amount of the bid, conditioned upon the faithful performance of the contract for such printing as is awarded and for the payment as damages by such bidder to the board of any excess of cost over the bid which it may be obliged to pay for such work by reason of the failure of the bidder to complete the contract. No bid unaccompanied by such bond shall be considered by the board. The contract shall be let to the lowest responsible bidder in the county. All ballots shall be printed within the state.

CHAPTER 3507: VOTING MACHINES

3507.16—Issuance of bonds.

The board of elections of any county may, by resolution, request that the board of county commissioners of such county submit to the electors of said county the question of issuing bonds for the following purposes;

(A) Purchase of voting machines;

(B) Acquisition of real estate and construction thereon of a suitable building with necessary furniture and equipment for the proper administration of the duties of the board of elections * * * *

The election on the question of issuing such bonds shall be held under sections 133.11 to 133.14, inclusive * * * *

CHAPTER 3517: CAMPAIGNS: POLITICAL PARTIES

3517.07—Parties or groups engaged in un-American activities barred from ballot.

No political party or group which advocates, either directly or indirectly, the overthrow, by force or violence, of our local, state, or national government or which carries on a program of sedition or treason by radio, speech, or press * * *

CHAPTER 3599: OFFENSES AND PENALTIES

3599.08—Influencing candidates and voters by publication.

No owner, editor, writer, or employee of any newspaper, magazine, or other publication of any description, whether published regularly or irregularly, shall use the columns of any such publication for the printing of any threats, direct or implied, in the columns of any such publication for the purpose of controlling or intimidating candidates for public office. Such person shall not directly or indirectly solicit, receive, or accept any payment, promise, or compensation for influencing or attempting to influence votes through any printing matter, except through matter inserted in such publication as "paid advertisement" and so designated.

Whoever violates this section is guilty of a corrupt practice and shall be fined not less than five hundred nor more than one thousand dollars.

3599.09—Political publication must be identified.

No person shall write, print, post, or distribute, or cause to be written,

printed, posted, or distributed, a notice, placard, dodger, advertisement, or any other form of publication which is designed to promote the nomination or election or defeat of a candidate, or the adoption or defeat of any issue, or to influence the voters in any election, unless there appears on such form of publication in a conspicuous place either the names of the chairman or secretary of the organization issuing the same or some voter who is responsible therefor with his name and address.

Whoever violates this section shall be fined not less than one hundred nor more than one thousand dollars.

3599.22—Printing of ballots.

No person employed to print or engage in printing the official ballots shall print or cause to permit to be printed an official ballot other than according to the copy furnished him by the board of elections or a false or fraudulent ballot; or print or permit to be printed more ballots than are delivered to the board; or appropriate, give, deliver, or knowingly permit to be taken away any of such ballots by a person other than the person authorized by law to do so; or print such ballots on paper other than that provided in the contract with the board; or willfully seal up or cause or permit to be sealed up in packages or deliver to the board a less number of ballots than the number indorsed thereon.

Whoever violates this section shall be fined not less than two hundred nor more than one thousand dollars or imprisoned not more than six months, or both.

TITLE XXXVII: HEALTH—SAFETY—MORALS

CHAPTER 3701: DEPARTMENT OF HEALTH

3701.39—Submission of state plan to surgeon general; publicity and public hearing of plan.

The director of health shall prepare and submit to the surgeon general a state plan which shall include the hospital construction program developed under sections 3701.01, 3701.04, 3701.08, 3701.09, and 3701.36 to 3701.45, inclusive, of the Revised Code, and which shall provide for the establishment, administration, and operation of hospital construction activities in accordance with the requirements of the federal act and regulations thereunder. The director shall, prior to the submission of such plan to the surgeon general, give adequate publicity to a general description of all the provisions proposed to be included therein and hold a public hearing at which all persons or organizations with a legitimate interest in such a plan may be given an opportunity to express their views * * * *

CHAPTER 3705: VITAL STATISTICS

3705.20—Registration of unrecorded birth; correction of birth record.

Whoever claims to have been born in this state, and whose registration of bith is not recorded, or has been lost or destroyed, or has not been properly and accurately recorded, may file an application for registration of his birth, or correction of his birth record, in the probate court of the county of his birth, the county of his residence, or the county in which his mother resided at the time of his birth.

(A) An application to correct a birth record shall set forth all of the available facts required on a certificate of birth and the reasons for making such application, and shall be verified by the applicant. Upon the filing of such application the court may fix a date for hearing thereon which date shall not

be less than seven days after the filing date. The court may require one publication of notice of the hearing in a newspaper of general circulation in the county at least seven days prior to the date of the hearing * * * *

(B) An application of a person whose registration of birth is not recorded, or has been lost or destroyed, must comply with division (A) of this section. Upon the filing of such application the court may fix a date for hearing thereon which date shall not be less than seven days after the filing date. The court may require one publication of notice of the hearing in a newspaper of general circulation in the county at least seven days prior to the date of the hearing * * * * Upon being satisfied that notice of the hearing on said application has been given by publication, if required, and upon being convinced that the claim of the applicant is true, the court shall make a finding upon all the facts required on a certificate of birth, and shall order the registration of the birth of said applicant * * * *

CHAPTER 3709: HEALTH DISTRICTS

3709.21—Orders and regulations of board of general health district.

The board of health of a general health district may make such orders and regulations as are necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of nuisances. Such board may require that no human, animal, or household wastes from sanitary installations within the district be discharged into a storm sewer, open ditch, or watercourse without a permit therefor having been secured from the board under such terms as the board requires. All orders and regulations not for the government of the board, but intended for the general public, shall be adopted, recorded, and certified as are ordinances of municipal corporations and the record thereof shall be given in all courts the same effect as is given such ordinances, but the advertisements of such orders and regulations shall be by publication in one newspaper published and of general circulation within the district. Publication shall be made once a week for two consecutive weeks and such orders and regulations shall take effect and be in force ten days from the date of the first publication. In cases of emergency caused by epidemics of contagious or infectious diseases, or conditions or events endangering the public health, the board may declare such orders and regulations to be emergency measures, and such orders and regulations shall become effective immediately without such advertising, recording, and certifying.

CHAPTER 3735: STATE BOARD OF HOUSING: METROPOLITAN HOUSING AUTHORITY

3735.12—Purchase, sale, or lease of land by municipal corporation for park purposes; procedure.

Whenever the legislative authority of a municipal corporation in which a project approved by the state board of housing is located determines, by ordinance, that any part of the land included in any such project should be maintained as a public park or grounds, such land may be purchased by the municipal corporation for such purpose, and thereafter be maintained as a public park or grounds. The legislative authority of a municipal corporation, by ordinance, may also determine that real property of the municipal corporation, specified and described, in such ordinance, is not required for use by the municipal corporation and may sell or lease such real property to a limited dividend housing company incorporated under section 3735.13 of the Revised Code, after giving notice by advertisement once each week for three consecu-

tive weeks in a newspaper of general circulation in the county, of the property proposed to be sold or leased and of the terms of such proposed sale or lease, notwithstanding section 721.03 of the Revised Code.

3735.36—Plans and specifications; advertisement for bids; award of contract.

When a metropolitan housing authority has acquired the property necessary for any project, it shall proceed to make plans and specifications for carrying out such project, and shall advertise for bids for all work which it desires to have done by contract, such advertisements to be published once a week for two consecutive weeks in a newspaper of general circulation in the political subdivision in which the project is to be developed. The contract shall be awarded to the lowest and best bidder.

3735.44—Planning, zoning, and sanitary laws applicable to housing projects.

The planning, zoning, and sanitary laws of the state and of any political subdivision or agency thereof in which a housing project is located shall apply to housing projects of a metropolitan housing authority to the same extent as if said projects were planned, constructed, owned, or operated by private persons. All powers granted in said laws or in any municipal charter to or over privately owned land, buildings, or structures are hereby granted over and in relation to housing projects or authorities. In the planning and location of any housing project, an authority shall take into consideration the relationship of the project to any state, regional, county, or municipal plan. Before any housing project of an authority is determined upon by the authority or any agreement for its acquisition is made, the location, extent, and general features of the proposed layout shall be submitted to the planning commission of the municipal corporation or other political subdivision in which the proposed project is located, for the advice of such planning commission upon the proposed location, extent, and general features of the layout.

3735.46—Issuance of bonds; sale; validity; bonds negotiable.

Bonds of a metropolitan housing authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date, mature at such time, bear interest at such rate, not exceeding six per cent per annum, be in such denomination, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place, and be subject to such terms of redemption, with or without premium, as such resolution, its trust indenture, or mortgage provides.

The bonds may be sold at not less than par plus accrued interest at public sale held after notice published once at least fourteen days prior to such sale in a newspaper having a general circulation in the territorial limits of an authority. Such bonds may be sold at not less than par plus accrued interest to the federal government at private sale without any public advertisement. Such bonds may be sold to others than the federal government, at private sale, without any public advertisement, at not less than their par value and accrued interest thereon if, bearing the same or a lower rate of interest than that at which the federal government has purchased, or contracted to purchase, bonds for the particular project * * * *

3735.52—Powers of public bodies.

Within the area in which it is authorized to act, any state public body may upon such terms, with or without consideration, as it determines:

* * * * (I) In connection with any public improvements made by a state public body in exercising the powers granted in such sections, such state public body may incur the entire expense thereof. Any sale, conveyance, lease, or agreement, provided for in this section, may be made by a state public body without appraisal, public notice, advertisement, or public bidding.

3735.55—Resolution granting powers to public bodies; effective immediately.

The exercise by a state public body of the powers granted in sections 3735.51 to 3735.57, inclusive, of the Revised Code, may be authorized by ordinance or resolution of the governing body of such state public body, adopted in accordance with the charter of such public body or in the absence of a charter provision by a majority of the members of its governing body present at a meeting of said governing body, which resolution may be adopted at the meeting at which such resolution is introduced. Such a resolution shall take effect immediately and need not be laid over, published, or posted.

3735.61—Sale of property.

The board of county commissioners of any county which has acquired property in accordance with volume 121, Ohio Laws, page 806, sections 1 to 10, inclusive, may sell any or all of said property and deposit the proceeds of such sale in the general revenue fund of the county.

CHAPTER 3767: NUISANCES

3767.01—Definitions.

As used in all sections of the Revised Code relating to nuisances:

(A) "Place" includes any building, erection, or place or any separate part or portion thereof or the ground itself;

(B) "Person" includes any individual, corporation, association, partnership, trustee, lessee, agent, or assignee;

(C) "Nuisance" means that which is defined and declared by statutes to be such and also means any place in or upon which lewdness, assignation, or prostitution is conducted, permitted, continued, or exists, or any place, in or upon which lewd, indecent, lascivious, or obscene films or plate negatives, film or plate positives, films designed to be projected on a screen for exhibition films, or glass slides either in negative or positive form designed for exhibition by projection on a screen, are photographed, manufactured, developed, screened, exhibited, or otherwise prepared or shown, and the personal property and contents used in conducting and maintaining any such place for any such purpose. This section and sections 2905.34, 1905,35, 2905.37, and 2933.21 of the Revised Code shall not affect any motion picture film which has been approved by the division of film censorship or any newspaper, magazine, or other publication entered as second class matter by the post-office department.

3767.09—Tax shall be imposed against owner of property.

When a nuisance is found to exist in any proceeding under sections 3767.01 to 3767.11, inclusive, of the Revised Code, and the owner or agent of such place whereon the same has been found to exist was not a party to such proceeding, and did not appear therein, the tax of three hundred dollars, imposed under section 3767.08 of the Revised Code, shall, nevertheless, be imposed against the persons served or appearing and against the property as set forth in this section. Before such tax is enforced against such property, the owner or agent thereof shall have appeared therein or shall be served with summons therein, and existing laws, regarding the serving of process, shall apply to service in proceedings under sections 3767.01 to 3767.11, inclusive, of the Revised Code. The person in whose name the real estate affected by the action stands on the books of the county auditor for purposes of taxation is presumed to be the owner thereof, and in case of unknown persons having or claiming any ownership, right, title, or interest in property affected by the action, such may be made parties to the action by designating them in the petition as "all other persons unknown claiming any ownership, right, title, or interest in the property affected by the action." Service thereon may be had by publication in the manner prescribed in sections 2703.14 to 2703.19, inclusive, of the Revised Code * * * *

CHAPTER 3773: DISORDERLY CONDUCT: SUNDAY PROHIBITIONS

3773.14—Operation or participation in human endurance contests unlawful.

No person, firm, partnership, unincorporated association, or association, domestic or foreign, shall, directly or indirectly, maintain, operate, promote, conduct, or advertise; aid, directly or indirectly, in maintaining, operating, promoting, conducting, or advertising; participate in, directly or indirectly, any marathons, marathon dances, walkathon, talkathon, skatathon, or any other human physical or mental endurance contest or race of a like or similar character or nature, under any name, continuing for a period of twelve or more hours, with or without rest periods, or which is repeated by the same person within a period of twenty-four hours after the exhibition of such human physical or mental endurance contest or race. Each day's violation of this section constitutes a separate offense.

This section does not apply to amateur or professional athletic events, games, or contests, or to high school, college, or intercollegiate events, games, or contests.

CHAPTER 3781: BUILDING STANDARDS— GENERAL PROVISIONS

3781.12—Petition to board of building standards for the adoption, amendment, or annulment of a rule or regulation.

Any person may petition the board of building standards for the adoption, amendment, or annulment of a rule or regulation permitting the use of any particular fixture, device, material, system, or method or manner of construction or installation as the equivalent, as regards the purposes declared in section 3781.06 of the Revised Code, of the fixtures, devices, materials, systems, or methods or manners of construction or installation described in any section of the Revised Code relating to said purposes, where the use of such equivalent is permitted by law. If the board, after hearing, deems it advisable to adopt the rule or regulation or amendment or annulment thereof petitioned for shall give at least thirty days' notice of the time and place of a public hearing thereon, which notice shall state in full the proposed rule or regulation to be adopted, amended, or annulled, or the proposed amendment, and shall be advertised in at least five newspapers published in different counties and of general circulation in the state. No such rule or regulation shall be adopted, amended, or annulled until after such public hearing. A copy of every such rule or regulation and every amendment or annulment thereof signed by the chief of the division of workshops and factories, and sealed with the seal of the department of industrial relations, shall, after final adoption by the board, be filed with the secretary of state and shall be published in such manner as the board determines * * * * ,

CHAPTER 3901: SUPERINTENDENT OF INSURANCE

3901.07—Examination of insurance companies.

The superintendent of insurance, or a person appointed by him for that purpose, may make an examination of the affairs of any insurance company doing business in this state * * * * If the superintendent deems it to the interest of the public, he may publish the result of such investigation in a newspaper printed at the seat of government and of general circulation in the state, and also in a newspaper printed in the county in which the principal office of such company is located * * * *

3903.04—Service upon company.

[This section provides for notice by publication when it appears that:]

* * * the officers, directors, trustees, managing agents, or members * * * or the designated attorney in fact in the case of a Lloyds, reciprocal, or inter-insurance exchange, named in the order to show cause, upon whom service is required to be made by this section have resigned from their offices, or that service cannot be made immediately by the exercise of reasonable diligence * * * *

3903.20—Assessment against members or subscribers of company.

In the event of the entry of a court order directing the superintendent of insurance to rehabilitate or liquidate any company which has issued assessable policies or contracts of insurance, the superintendent may, with leave of the court of common pleas, at any time during the pendency of the proceeding, levy such assessments against the members or subscribers of the company as are necessary to pay all allowed claims and expenses of rehabilitation or liquidation in full * * * *

The court may thereupon issue an order directing each member of such company, if he does not pay the amount assessed against him to the superintendent on or before the day specified in said order, to show cause in the proceeding pending against such company under sections 3903.01 to 3903.33, inclusive, of the Revised Code, why he should not be held liable to pay such assessment and why the superintendent should not have judgment therefor.

The superintendent shall cause a notice of such order, setting forth a brief summary of its contents, to be published in the manner directed by the court * * * *

3903.21—Proofs of claims against insolvent company.

If upon entry of an order directing the liquidation of a domestic company, or at any time during such liquidation proceeding, such company is not solvent, the court of common pleas shall, after such notice and hearing as it deems proper, make an order declaring such company to be insolvent. Thereupon, regardless of any prior notice which may have been given to creditors, the superintendent of insurance shall notify all persons who may have claims against such company * * * to present such claims to him at a place specified in such notice within the time fixed by order of the court. The last day for the filing of proofs of claim shall be specified in the notice. Such notice shall be given in a manner determined by the court. The superintendent shall also cause a notice, specifying the last day for the filing of claims, to be published once each week for three successive weeks in a newspaper published in the county where such proceedings are pending, and in such other newspapers as he deems advisable * * * *

3903.35—Authority of unsound insurance company revoked.

If it appears to the superintendent of insurance upon satisfactory evidence that the affairs of an insurance company, partnership, or association, not organized under the laws of this state, are in an unsound condition, he shall revoke the authority granted to such company to do business in this state, and shall publish a notice thereof in at least one newspaper published at the seat of government, and in a newspaper published in the county of this state in which the general agency is located. After the publications of such notice no agent of such company shall procure applications for insurance or issue policies.

3903.38—Sale and distribution of securities of defaulting companies.

3903.39—Notice to claimants.

Upon the filing of the petition authorized by section 3903.38 of the Revised Code, the superintendent of insurance, or other officer, shall publish for six consecutive weeks in three papers of general circulation within the state, one of which is published at the seat of government, a notice containing a succinct statement of the object and prayer of the petition in such action, and the time within which persons claiming to have an interest in such fund are required to answer.

CHAPTER 3905: AGENTS

3905.11—Publication of certificate.

Annually, and before the time of making its report to the superintendent of insurance as required by section 3905.12 of the Revised Code, each insurance company and association not incorporated under the laws of this state shall publish its certificate of compliance in every county where it has an agency, in a newspaper published and of general circulation in such county.

No newspaper shall be deemed a newspaper of general circulation unless it has been established for at least one year, is printed in the English language, and has a circulation in the county in which it is published as follows:

(A) In a county having at the last preceding federal census a population of not more than thirty thousand, a circulation of six hundred;

(B) In a county having a population of over thirty thousand and not more than fifty thousand, a circulation of eight hundred;

(C) In a county having a population of over fifty thousand and not more than one hundred thousand, a circulation of twelve hundred;

(D) In a county having a population of over one hundred thousand and not more than one hundred fifty thousand, a circulation of two thousand;

(5) In counties having a population of more than one hundred fifty thousand, a circulation of three thousand.

Before publication of any certificate of compliance, the manager, editor, or proprietor of newspaper shall certify under oath on a prepared blank, furnished him on application by the superintendent of insurance, the information prescribed in this section for determining whether it is a newspaper of general circulation, and if such affidavit shows that the newspaper is one of general circulation, the superintendent shall deliver to him a certificate that such newspaper is one of general circulation.

3905.12—Report of publication by foreign company.

On or before the first day of October of each year, each insurance company and association doing business in this state, which is not incorporated under the laws thereof, shall file with the superintendent of insurance, upon blanks prepared and upon application furnished by him, a report in writing under oath of its president and secretary showing the counties in which publication of its certificate of authority to do business was made, the counties in which it had agencies at the time of such publication, and the names of the newspapers in which the publication was made, with a copy of the certificate as published attached thereto.

3905.14—Approval of publication.

Publication of a certificate of compliance in a newspaper shall not be approved by the superintendent of insurance unless prior to such publication he has certified that such newspaper is one published and of general circulation in the county, but if publication has been made in any such newspaper without such certification and a report filed as required by section 3905.12 of the Revised Code, and such certificate of the superintendent is procured within the

time he designates, publication in such newspaper shall be approved. The superintendent shall keep a book in which shall be recorded the names of the newspapers so certified as newspapers of general circulation, which book shall be open to inspection, and every such certificate of circulation shall remain in force until revoked, provided that the superintendent may demand further certificates as to the circulation of any such newspaper.

3905.23—Prohibition against business by unauthorized company.

No officer, manager, owner, agent, or representative of any corporation, association, or firm, or other person, shall offer within this state, in person or by advertisement, poster, letter, circular, or otherwise, sell, procure, or obtain policies, agreements, or applications for life insurance, or any form of health or accident insurance, for or on behalf of any life insurance corporation, association, or organization, or mutual protective or mutual benefit association or organization, not authorized to transact business within this state, or on behalf of any spurious, fictitious, nonexisting, dissolved, inactive, liquidated or liquidating, or bankrupt life insurance corporation, association, or organization, or mutual protective or mutual benefit association or organization. Whoever violates this section shall have his agent's license revoked by the superintendent of insurance.

3905.24—Discontinuance of business by life insurance company.

When a life insurance company doing business in this state decides to discontinue its business, the superintendent of insurance upon the application of such company or association shall give notice, at its expense, of such intention at least once a week, for six weeks, in a newspaper published and of general circulation in the county in which such company or its general agency, is located * * * *

3905.25—Discontinuance of insurance company other than life.

When any insurance company or corporation other than life, which has made a deposit with the superintendent of insurance, intends to discontinue its business in this state, the superintendent, upon the application of such company or corporation, shall give notice at its expense of such intention at least once a week for six weeks in three newspapers of general circulation in the state * * * *

3905.27—Account of fees.

The superintendent of insurance may open an account in the name of each insurance company authorized to do business in this state and in the name of any authorized insurance agent, and charge said accounts with all fees incurred by such companies or agents in accordance with sections 3905.01, 3905.02, 3905.07, 3905.26, 3919.26, 3931.03, and 3943.08 of the Revised Code, and other stautes imposing fees * * * *

Not later than the tenth day of each calendar month the superintendent shall render an itemized statement to each company or agent whose account has been charged during the month next preceding, showing the amount of all fees charged during said month and demanding that payment thereof be made * * * *

The failure of any insurance company within said time to pay the amount of such fees in accordance with such monthly statement, or, if said statement or account is found to be incorrect in accordance with a corrected monthly statement rendered by the superintendent, is grounds for the revocation of its certificate of authority to do business in this state. In the event of such an order of revocation, the superintendent shall forthwith cause a notice thereof to be published once in at least one newspaper at the seat of the government and also, if a domestic company, once in at least one newspaper published in the county where its home office is located, or, if a foreign or alien company,

once in at least one newspaper published in a county of this state where an agency of such company is located. After the publication of such notice, no agent of such company shall procure applications for insurance or issue policies * * * *

3905.43—Advertising limitations.

No person, firm, association, partnership, company, or corporation shall publish or distribute or receive and print for publication or distribution any advertising matter in which insurance business is solicited, unless such advertiser has complied with the laws of this state regulating the business of insurance, and a certificate of such compliance is issued by the superintendent of insurance.

CHAPTER 3907: DOMESTIC LEGAL RESERVE LIFE INSURANCE COMPANIES

3907.04—Organization of company.

When the signers of the articles of incorporation required by section 3907.02 of the Revised Code receive from the secretary of state a certified copy of such articles and desire to organize the company, they shall publish their intention in a paper published and having general circulation in the county in which the company is to be organized. After the publication has been made for six weeks, they may open books the receive subscriptions to the capital stock, keep them open until the required amount is subscribed, distribute the stock among the subscribers, if more than the necessary amount is subscribed, collect the capital, and complete the organization of the company.

CHAPTER 3919: MUTUAL PROTECTIVE INSURANCE UPON PERSONS

3919.23—Revocation of authority.

[The certificate of authority of foreign corporations to engage in business may be revoked by the superintendent of insurance for cause set out in statute.]

* * * * Upon such revocation, the superintendent shall cause notice thereof to be published for four weeks in some newspaper published in the county of Franklin, and no new insurance shall thereafter be written by such corporation, company, or association, or any of its agents, in this state.

CHAPTER 3923: SICKNESS AND ACCIDENT INSURANCE

3923.16—Misleading or deceptive advertising prohibited.

No insurer doing business in this state, and no insurance agent or broker, shall use in connection with the solicitation of sickness and accident insurance any advertising copy, advertising practice, or plan of solicitation which is materially misleading or deceptive. An[y] advertising copy, advertising practice, or plan of solicitation is materially misleading or deceptive if, by implication or otherwise, it transmits information in such manner or of such substance that a prospective applicant for sickness and accident insurance may be led thereby to his material damage.

If the superintendent of insurance finds that any such advertising copy, advertising practice, or plan of solicitation is materially misleading or deceptive, he shall order the insurer, agent, or broker using such copy, practice, or plan to cease such use. Before making any such finding and order the superintendent shall give due notice and hearing to the insurer, agent, or broker affected.

If the superintendent finds, after due notice and hearing, that any authorized insurer, licensed insurance agent, or licensed insurance broker has willfully violated any such order to cease, he may suspend or revoke the license of such insurer, agent, or broker.

CHAPTER 3939: MUTUAL PROTECTIVE INSURANCE UPON PROPERTY

3939.10—Reorganization of mutual fire insurance associations as companies.

Any mutual fire insurance association organized under section 3939.01 of the Revised Code, which is doing business and which has the number of policies and amount of insurance in force, and the amount of assets required, in order to organize a mutual fire insurance company, may reorganize as a mutual fire insurance company in the following manner:

(A) The board of trustees of such association shall give notice of its intention to reorganize, for a period of at least three consecutive weeks before application is made, by publication in a newspaper of general circulation which is published in the county where the association's principal office is situated * * * *

CHAPTER 3941: OPERATION OF MUTUAL INSURANCE COMPANIES

3941.03—Amendment of articles.

The articles of incorporation of a domestic mutual company may be amended at any meeting of members, thirty days' notice of which, and of the business to come before it, has been given by a majority of the directors in a newspaper published and of general circulation in the county where the company's principal place of business is located * * * *

3941.18—Petition to have court examine assessment.

[Proceedings when directors of a mutual insurance company make, by authority of statute, an assessment or call on the members for money, or vote that there is a necessity to take either measure, any interested persons may apply to a court to examine the contemplated measure and relative matters. The law then provides:]

The court before which such application is filed shall order notice to be given by publication or otherwise to all parties interested, and upon the return thereof shall examine the assessment or call, and the necessity therefor, and all matters connected therewith * * * *

CHAPTER 3945: CREDIT GUARANTY

3945.01—Organization.

Five or more persons may associate and form a company to guarantee and indemnify merchants, manufacturers, traders, those engaged in business, and giving credit from loss and damage by reason of giving and extending credit to their customers and those dealing with them, by making, acknowledging, and filing articles of incorporation pursuant to, and by complying with, sections 3907.02 to 3907.04, inclusive, of the Revised Code.

CHAPTER 3949: BOND INVESTMENT COMPANIES

3949.11—Annual statement of companies.

On or before the first day of February of each year, each bond investment company doing business in this state shall file with the supervisor of bond investment companies, under oath of its president, its secretary, or other managing officer, in a form required by the supervisor, a statement of its business for the twelve months next preceding the thirty-first day of December. If the fiscal year of such company does not coincide with the calendar year, the supervisor may authorize such statement for such fiscal year within such time as he directs. Such abstract thereof as the supervisor requires shall be posted for sixty days in the principal office of such company and published in a newspaper of general circulation in the county in which its principal office is situated in this state.

CHAPTER 3999: CRIMES RELATING TO INSURANCE

3999.08—Misrepresentations in soliciting insurance.

No person for himself or as an officer, director, agent, solicitor, or representative of any insurance company, except fire insurance companies or associations or fraternal benefit societies, doing business in this state, shall issue, circulate, or cause or permit to be issued or circulated any estimate, illustration, circular, or statement of any sort misrepresenting the terms of the policy issued or to be issued by such company or the benefits or advantages promised thereby or the dividends or shares or surplus to be received thereon * * * *

3999.09—False or malicious statements about insurance company.

No company doing business in this state, or any officer, director, clerk, employee, or agent thereof, shall make, orally or otherwise, publish, print, distribute, or circulate, or cause the same to be done, or aid, abet, or encourage the making, printing, publishing, distributing, or circulating of, any pamphlet, circular, article, literature, or statement of any kind which is defamatory of any insurance company doing business in this state, or which contains any false and malicious criticism or false and melicious statement calculated to injure such company in its reputation or business. No officer, director, clerk, employee, or agent of any company shall violate this section.

3999.10—Misrepresentation in advertisement by insurance company.

No insurance company, corporation, or association authorized to transact business in this state, or an agent thereof, by advertisement in a newspaper, magazine, or periodical or by a sign, circular, card, policy of insurance, certificate, or renewal thereof, or otherwise, shall state or represent that funds or assets are in its possession, not actually possessed by it and available for the payment of losses and claims and held for the protection of its policyholders or creditors, or advertise a subscribed capital not actually paid up in cash.

3999.11—Advertisement at variance with verified statement.

No insurance company, corporation, or association authorized to transact business in this state shall purport to make known its financial standing by advertisement, public announcement, or by making or issuing a circular or card, which fails to correspond, in all the particulars which it so purports to make known, with the last preceding verified statement made by it to the insurance department of any state.

TITLE XLI: LABOR AND INDUSTRY

CHAPTER 4107: DIVISION OF WORKSHOPS AND FACTORIES

4107.32—Written report of inspection filed.

[When the department of industrial relations, upon safety inspection of a building in which large numbers of persons assemble, finds inadequate conditions exist:]

* * * * Thereupon the department shall issue an order in writing stating what necessary appliances, additions, or alterations shall be added to or made in such structure and shall send a copy of such order to the owner or persons having control of such structure and thereafter shall publish in some newspaper of general circulation in the neighborhood of such structure, a copy of such order or a brief statement of the contents of such order * * * *

CHAPTER 4129: ARBITRATION

4129.05—Notice of time and place for hearing controversy.

Upon the receipt of an application for arbitration proceedings, the secretary of the industrial commission shall give public notice of the time and place for the hearing thereof, unless both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the commission orders, and at any time during the proceedings the commission may give public notice, notwithstanding such request. If the petitioners fail to perform the promise made in the application, the commission shall proceed no further therein without the written consent of the adverse party.

CHAPTER 4151: ADMINISTRATION OF MINING LAWS

4151.17—Examinations.

* * * * For the examination of persons seeking certificates of competency as mine foremen and fire bosses, the board shall hold meetings, annually or more often as required, at such times and places within the state as shall, in the judgment of the members, afford the best facilities to the greatest number of applicants. Public notice shall be given through the press or otherwise, not less than ten days in advance, announcing the time and place at which examinations under this section are to be held * * * *

TITLE XLIII: LIQUOR

CHAPTER 4301: LIQUOR CONTROL LAW

4301.03—The board of liquor control may issue rules and regulations.

The board of liquor control may adopt and promulgate, repeal, rescind, and amend, in the manner required by this section, rules, regulations, standards, requirements, and orders necessary to carry out Chapters 4301. and 4303. of the Revised Code, including the following: * * * *

(F) Uniform rules and regulations governing all advertising with reference to the sale of beer and intoxicating liquor throughout the state and advertising upon and in the premises licensed for the sale of beer or intoxicating liquor; * * * *

General rules and regulations of the board promulgated pursuant to this section shall be published in such a manner as the board determines.

4301.11—Contracts for lease of state liquor stores.

All contracts of lease for a state liquor store entered into by the department of liquor control shall be made in writing with the lowest and best bidder after an advertisement in a newspaper of general circulation in the community wherein it is proposed to establish such store * * * *

The board of liquor control may prescribe the form of bid and shall prescribe rules and regulations pertaining to the receiving and advertisement of such bid; provided that before accepting a bid and before entering into any contract of lease of the premises for use as a state liquor store the department shall publish in a newspaper of general circulation in the community wherein such premises are located a synopsis of the terms of such proposed lease including the name of the lessor, the location of the premises, and the yearly rental.

The department may reject any or all bids. If the department rejects all bids it shall readvertise for bids for such leases and may continue to readvertise for such bids until bids satisfactory to it are received * * * *

4301.45—Seizure and sale of conveyance transporting beer or intoxicating liquor illegally.

* * * * All liens against property sold under this section shall be transferred from the property to the proceeds of the sale of the property. If no claimant is found for the team, vehicle, watercraft, aircraft, automobile, or other conveyance, the taking of the same, with its description, shall be advertised in some newspaper published in the city or county where taken, or if there is no newspaper published in such city or county, in a newspaper having circulation in the county, once a week for four weeks and by handbills posted in three public places near the place of seizure, and if no claimant appears within ten days after the last publication of the advertisement, the property shall be sold and the proceeds after deducting the expense and costs shall be distributed as if there were a claimant for said vehicle or conveyance.

4301.52—Seizure and sale of wine or bulk beer by tax commissioner.

Whenever the tax commissioner or any of his deputies or employees authorized by him for such purpose discover any wine or bulk beer, subject to tax under Chapters 4301. and 4303. or section 4305.09 of the Revised Code, and upon which the tax has not been paid, the commissioner or such deputy or employee may forthwith seize such wine or bulk beer, which is thereby forfeited to the state. The commissioner may within a reasonable time thereafter by a notice posted upon the premises where such seizure is made, or by publication in some newspaper having circulation in the county wherein such seizure is made, at least five days before the day of sale, sell such forfeited wine or bulk beer * * * *

TITLE XLV: MOTOR VEHICLES—AERONAUTICS—WATERCRAFT

CHAPTER 4503: MOTOR VEHICLES—DEFINITIONS; GENERAL PROVISIONS

4503.26—Lists of registration information.

As used in this section, "registration information" means information in license plate applications on file with the bureau of motor vehicles.

The director of highway safety may advertise for and accept sealed bids for the preparation of lists containing registration information in such form as he authorizes * * * *

CHAPTER 4585: ACTIONS RELATING TO WATERCRAFT

4585.10—Notice of sale by officer.

The officer holding a writ for the sale of a watercraft, its apparel, or furniture, before he proceeds to sell it, shall give public notice of the time and place of sale for at least ten days previous thereto, by advertisement in a newspaper published in the county, and by advertisement posted in at least five public places in the county. Such sale shall be conducted, and the court shall have the same power over them as sales upon execution.

TITLE XLVII: OCCUPATIONS—PROFESSIONS

CHAPTER 4709: BARBERS

4709.17—Refusal, suspension or revocation of certificate.

The board of barber examiners may either refuse to issue or renew or may suspend or revoke any certificate of registration for any one or a combination of the following causes: * * * *

(C) Advertising by means of knowingly false or deceptive statements;

(D) Advertising, practicing, or attempting to practice, under a trade name or name other than one's own: * * * *

CHAPTER 4715: DENTISTS

4715.01—Definitions.

Any person shall be regarded as practicing dentistry, who is a manager, proprietor, operator, or conductor of a place for performing dental operations or who, for a fee, salary, or other reward paid or to be paid either to himself or to another person, performs, or advertises to perform, dental operations of any kind * * * *

4715.18—Practice lawful under individual name only.

No person shall practice dentistry, nor advertise his name in connection with any dental office unless he is himself personally present in said office operating as a dentist or personally overseeing such operations as are performed in said office or each of said offices during a majority of the time said office or each of said offices is being operated by him * * * *

4715.30—License may be revoked or suspended.

The state dental board may warn, reprimand, or otherwise discipline a licensee for any violation of its rules or of any laws pertaining to the practice of dentistry or dental hygiene and in addition thereto may revoke or suspend a license obtained by fraud or misrepresentation, or if the person accused is convicted subsequent to the date of his license of a felony involving moral turpitude, or is convicted for the violation of sections 4715.01 to 4715.35, inclusive, of the Revised Code, or becomes guilty of chronic or persistent inebriety or addiction drugs; or if the person holding such license makes use of any advertising statements of a character tending to deceive or mislead the public, or advertises or publishes false, fraudulent, or misleading statements of his superior skill or knowledge or the superior nature of his methods of treatment or practice; or advertises prices for professional service; or advertises by

means of large display, glaring light sign, or sign containing as a part thereof the representation of a tooth, teeth, bridge work, or any portion of the human head; or employs or makes use of advertising solicitors or publicity agents; or advertises any free dental work or free examination; or advertises to guarantee any dental service; or to perform any dental operation painlessly; or has been found guilty of employing or permitting an unlicensed person to perform dental operations which, under such sections can only be performed by a person licensed to practice dentistry in this state; or is guilty of any grossly immoral conduct tending to deceive or defraud the public; or which disqualifies him to practice with safety to the public. All advertising by any medium, including radio, must conform to the requirements of this section.

CHAPTER 4717: EMBALMERS AND FUNERAL DIRECTORS

4717.03—Meetings.

The board of embalmers and funeral directors shall hold not less than one meeting annually for the purpose of examining applicants for licenses, such meeting to be held at such time and place as the board may determine. Time and place of such meeting shall be given by publication in three daily newspapers of general circulation each in different locations in the state, said publication to be once a week for two consecutive weeks immediately preceding such meeting * * * *

4717.11—Advertising.

No funeral home or establishment or any other place pertaining to funeral directing or the conducting of funerals shall be established in the state under any name other than that of the holder of a funeral director's license of this state under whose direction such establishment is operated. Every establishment shall display in all advertising the name of the licensed funeral director who is actually in charge of the establishment. All branch establishments must display the name of the funeral director who is actually in charge * * * *

CHAPTER 4721: INNKEEPERS

4721.05—Sale of property.

The innkeeper shall retain such baggage and other property, upon which he has a lien, for sixty days, at the expiration of which time, if such lien is not satisfied, he may sell it at public auction, after giving ten days' notice of the time and place of such auction in a newspaper of general circulation in the county where such inn is situated, and by mailing a copy of such notice addressed to such guest or boarder at the place of residence registered by him in the register of such inn.

CHAPTER 4735: REAL ESTATE BROKERS

4735.18—License may be suspended, revoked, or refused.

The state board of real estate examiners, may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the conduct of any licensee and may suspend or revoke or refuse to renew any license at any time where the licensee, in performing or attempting to perform any act as a real estate broker or real estate salesman or in any transaction involving the leasing or sale of an interest in real estate, is guilty of any one of the following:

(A) Knowingly making any misrepresentation; * * * *

(C) A continued course of misrepresentation or the making of false promises through agents, salesmen, advertising, or otherwise; * * * *

(U) Having published advertising, whether printed, radio, display, or of any other nature which was misleading or inaccurate in any material particular, or in any way having misrepresented any properties, terms, values, policies, or services of the business conducted;

(V) Having knowingly withheld from or inserted in any statement of account or invoice any statement that made it inaccurate in any material particular;

(W) Having published or circulated unjustified or unwarranted threats of legal proceedings which tended to or had the effect of harassing competitors or intimidating their customers; * * * *

TITLE XLIX: PUBLIC UTILITIES

CHAPTER 4903: PUBLIC UTILITIES COMMISSION—HEARINGS

4903.19—Disposition of moneys charged in excess.

Upon the final decision by the supreme court upon an appeal from an order or decision of the public utilities commission, all moneys which the public utility or railroad has collected pending the appeal, in excess of those authorized by such final decision, shall be promptly paid to the corporations or persons entitled to them, in such manner and through such methods of distribution as are prescribed by the court. If any such moneys are not claimed by the corporations or persons entitled to them within one year from the final decision of the supreme court, the trustees appointed by the court shall give notice to such corporations or persons by publication, once a week for two consecutive weeks, in a newspaper of general circulation, printed and published in Columbus, and in such other newspapers as are designated by such trustee, said notice to state the names of the corporations or persons entitled to such moneys and the amount due each corporation or person * * * *

CHAPTER 4905: PUBLIC UTILITIES COMMISSION—GENERAL POWERS

4905.21—Application to commission for abandonment.

Any railroad or any political subdivision desiring to abandon, close, or have abandoned, withdrawn, or closed for traffic or service or of any part of a main track or depot, and any public utility or political subdivision desiring to abandon or close, or have abandoned, withdrawn, or closed for traffic or service or of any part of any line, pumping station, generating plant, power station, or service station, referred to in section 4905.20 of the Revised Code, shall make application to the public utilities commission in writing. The commission shall thereupon cause reasonable notice of the application to be given, stating the time and place fixed by the commission for the hearing of said application. * * * * Such notice shall be given by publication in a newspaper of general circulation throughout any county or municipal corporation which has granted a franchise to said railroad or public utility, under which said track, pipe line, gas line, telegraph line, telephone pole line, electric light lines, water line, steam pipe line, pumping station, generating plant, power station, or service station is operated or in which the same is located, once a week for four consecutive weeks before the hearing of said application. Notice of said hearing shall be given such county, municipal corporation or public utility in the manner provided for the service of orders of the commission in section 4905.53 of the Revised Code. This section and section 4905.20 of the Revised Code do not apply to a gas company when it is removing or exchanging abandoned field lines * * * *

4905.26—Complaints as to service.

[This section provides for procedure when a complaint is made against a public utility, on the ground that its rates, schedules, etc., are unjust, unreasonable, etc. The public utilities commission sets the cause for hearing, upon notice to the company complained of. But:]

* * * * A public utility company may make complaint as to any matter affecting its own product or service with like effect as though made by a person, firm, or corporation, in which event the commission shall publish notice of such complaint for ten days prior to such hearing in a newspaper of general circulation at the situs of such public utility.

CHAPTER 4909: PUBLIC UTILITIES COMMISSION—FIXATION OF RATES

4909.19—Publication; investigation.

[When a public utility desires to establish or change rates, schedules, etc., it files an application with the public utilities commission. The section then provides in part:]

Upon the filing of any application for increase provided for by section 4909.18 of the Revised Code, the public utility shall forthwith publish the substance and prayer of such application, in a form approved by the public utilities commission, once a week for three consecutive weeks in a newspaper published and in general circulation throughout the territory in which such public utility operates and affected by the matters referred to in said application * * * *

CHAPTER 4921: MOTOR TRANSPORTATION COMPANIES

4921.09—Application for certificate; notice; hearing.

[Motor transportation companies desiring to establish or abandon the service of transporting persons or property for hire, over public highways, shall file an application with the public utilities commission. The section provides, in part, as follows:]

* * * * The applicant for a certificate, or for an amendment of the route authorized by such a certificate, when intra-state operations are proposed, shall give notice of the filing of such application by publication made once a week for three consecutive weeks prior to the day set for hearing such application, in a newspaper of general circulation published at the county seat of the county in this state in which the principal place of business of the applicant is located, or if no place of business of the applicant is located in this state, then in a newspaper of general circulation published at the county seat of Franklin county. Such published notice for a regular route shall state the fact that such application has been made, the route proposed to be operated, the number of motor vehicles to be used, the number of trips to be made daily for the transportation of persons, whether daily or other service for the transportation of property is to be furnished, and the name and address of the applicant. Such published notice for an irregular route shall state the fact that such application has been made, the location of the places of business from and to which the applicant proposes to operate, the number of motor vehicles to be used, the nature of the service to be rendered, and the name and address of the applicant * * * *

An applicant for authority to abandon all motor vehicle operation on a regular route or any portion of a regular route shall give notice of the filing of such application by publication made once a week for three consecutive weeks prior to the day set for the hearing of such application in a newspaper of general circulation published at the county seat of each county in or through which the regular route or portion proposed to be abandoned runs or extends,

which notice shall describe such regular route or portion by the highways and termini or waypoints upon and between which all motor vehicle operation is to be discontinued by such applicant.

4921.13—Death of operator; dissolution of partnership; transfer of certificate.

Upon the death of a person operating as a motor transportation company under a certificate of public convenience and necessity, his personal representative may operate under such certificate while such certificate remains in force and, with the consent of the public utilities commission, may transfer such certificate * * * *

Applications for the transfers of certificates under this section shall be made in writing and shall be in such form as the commission requires. The applicants shall give notice of the filing of such application by publication made once a week for three consecutive weeks prior to the date set for the hearing of such application in a newspaper of general circulation published at the county seat of the county in which is located the principal place of business of the applicant * * * *

CHAPTER 4923: PRIVATE MOTOR CARRIERS

4923.02—Definitions.

As used in sections 4923.01 to 4923.17, inclusive, of the Revised Code:

(A) "Private motor carrier" or "contract carrier by motor vehicle" includes every corporation, company, association, joint-stock association, person, firm, or copartnership, their lessees, legal or personal representatives, trustees, or receivers or trustees appointed by any court not included in the definition under section 4921.02 of the Revised Code, when engaged in the business of private carriage of persons or property, or both, or of providing or furnishing such transportation service, for hire, in or by motor-propelled vehicles of any kind, including trailers, over any public highway in this state, but does not include any corporation, company, association, joint-stock association, person, firm, or copartnership, their lessees, legal or personal representatives, trustees, or receivers or trustees appointed by any court * * * *

(8) Engaged in the transportation of newspapers.

4923.06—Notice of filing of application; contents; new application; hearing.

The applicant for a permit to operate as a private motor carrier shall give notice of the filing of such application by publication in the form prescribed by the public utilities commission made once a week for three consecutive weeks prior to hearing or granting such application, in a newspaper of general circulation published in the county in which the principal place of business of the applicant is located. Such notice shall state that such application has been filed, the number and capacity of vehicles to be used, and the names and addresses of those for whom the applicant proposes to operate.

The commission may permit the correction, amendment, modification or alteration of any such application at or before its action on such application when, in its opinion, the original application and notice are in substantial compliance with the law. Otherwise, it may direct the filing of a new application or the giving of new notice, or both. The commission shall, after the filing of such application, fix a date for hearing upon it unless the commission deems such hearing unnecessary and the best interests of the public and others concerned require that said application be granted or rejected without such hearing.

4923.09—Death of operator; dissolution of partnership; receiver or trustee may operate; transfer of permit.

Upon the death of a person operating as a private motor carrier under a

permit, his personal representative may operate under such permit while the same remains in force and, with the consent of the public utilities commission, may transfer such permit * * * *

Applications for the transfer of permits under this section shall be in writing and shall be in such form as the commission requires. The applicant shall give notice of the filing of such application by publication made once a week for three consecutive weeks prior to hearing or granting such application, in a newspaper of general circulation published in the county in which is located the principal place of business of the applicant. The commission shall give such applicant or any others who may have become parties in such proceedings at least ten days' written notice of the time and place of such hearing * * * *

CHAPTER 4957: ELIMINATION OF CROSSINGS

4957.20—Notice of intention to make improvement.

Before any work is done which is required in the making of a proposed crossing improvement, the legislative authority of a municipal corporation shall by ordinance or resolution require notice of its intention to make such improvement in accordance with the plans and specifications to be given to the owner of each piece of property abutting upon any street, highway, or public place, the grade of which will be changed by the proposed improvement.

CHAPTER 4961: SPECIAL POWERS OF RAILROADS

4961.08—Damages for diversion.

When, under section 4961.07 of the Revised Code, a railroad company's line of railroad is diverted from a county named in the articles of incorporation, such company is liable to any person owning land in the county for damages caused by the change or diversion. All subscribers to the capital stock of the company on the line of that part of its railroad so changed shall be released from all obligation to pay their subscriptions.

Saving the rights of infants, lunatics, and persons imprisoned, for six months after their disability is removed, no action shall be brought for damages caused by such change or diversion, unless it is begun within six months from the filing of the certificate for the change with the secretary of state, and the publication of notice thereof by the company for four consecutive weeks in some newspaper printed in such county.

4961.18—Authorization of extension of line.

When a railroad company desires to extend the line of its railroad beyond either of its previously designated termini, its president and board of directors may submit the question of such extension and change of termini to a meeting of its stockholders, to be called for that purpose by notice published for four consecutive weeks in some newspaper in general circulation in each county through or into which the railroad passes * * * *

4961.32—Procedure for aid, lease, and purchase.

No aid shall be furnished, nor any purchase or lease perfected, as provided by sections 4961.29 to 4961.31, inclusive, of the Revised Code, until a meeting of the stockholders of each of the railroad companies has been called for that purpose by the directors of such company, by written or printed notices addressed to each of the persons in whose names the capital stock of such company stands on its books, if their post-office address is known to the company, at least thirty days before the time of holding such meeting, and by a like notice published at least thirty days before the time of holding such meeting, in some newspaper in the municipal corporation where such company

has its principal office or place of business. If all the stockholders are present at such meeting in person or by proxy, such notice may be waived in writing * * * *

4961.35—Notice of application.

* * * * In all cases of arbitration under section 4961.33 and 4961.34 of the Revised Code, the party desiring such arbitration shall give the opposite party at least ten days' notice of his intention to apply to the judge for the appointment of arbitrators, which notice shall be served in the manner provided for the service of the summons, and must specify the time and place of the hearing of the application. In cases of nonresidents, notice shall be by publication for four consecutive weeks in some newspaper printed in the county.

CHAPTER 4967: CONSOLIDATION OF RAILROADS

4967.17—Principal office.

As soon as convenient after a consolidation of railroad companies resulting in the formation of a new company, the new company shall establish a principal office at some point in this state on the line of its railroad, but may change it at pleasure. Public notice of such establishment or change shall be given by publication in a newspaper of general circulation in the state, and by filing a written notice thereof with the secretary of state. This section and other laws respecting the residence of directors of corporations, the keeping of a principal or general office, do not apply to consolidated railroad companies created by or existing under the laws of this state and any other state * * * *

CHAPTER 4969: RAILROAD SALES: RAILROAD RECEIVERS

4969.02—Consent to sale by stockholders.

Before a transfer as provided by section 4969.01 of the Revised Code may be made, the president of the company shall call a meeting of its stockholders * * * of which meeting he shall cause at least thirty days' notice to be published in some newspaper printed or in general circulation in each county in which such roadbed and right of way are situated * * * *

4969.13—Receiver must petition for sale.

Before a sale under section 4969.12 of the Revised Code is ordered, the receiver shall file in the court his petition therefor, in which he shall set forth the names of the creditors of the company, with the sums due to each as nearly as can be ascertained, a statement of the company's assets, exclusive of its roadbed, right of way, and property so sought to be sold, and cause notice thereof to be published, for six consecutive weeks, in some newspaper printed and of general circulation in each of the counties in which any part of the roadbed is situated. Before the distribution of the proceeds of the sale, any creditor may appear and set up his claim by answer, and have it determined by the court, if it is omitted or inaccurately stated in the petition.

4969.15—Notice of sale to be published.

Before a sale referred to in section 4969.12 of the Revised Code is made, notice thereof shall be given by publication, for six consecutive weeks, in some newspaper published and of general circulation in each of the counties through or in which such railroad is located, and also in some newspaper published and of general circulation in each of the cities of New York and Cincinnati, for at least thirty days prior to the date of sale. The sale shall not be made for less than two-thirds of the appraised value of the property and rights, unless, upon their having been twice offered and not sold, the court orders a reappraisement.

CHAPTER 4971: REORGANIZATION OF RAILROADS

4971.02—Meeting of creditors; proceedings.

As soon as practicable after the sale of the railroad of a railroad company under a judgment, the trustees shall call a meeting of the parties to the agreement provided by section 4971.01 of the Revised Code, by a notice signed by a majority of the trustees or their survivors, and published not less than once a week, for four consecutive weeks, in a newspaper printed in the cities of New York and Philadelphia, and in a newspaper printed in each county on the line of the railroad, specifying the day, place, and object of such meeting * * * *

4971.14—Creditors may agree on capitalization; notice.

When judicial proceedings are pending in a court for the sale of a railroad, and such railroad is in the hands of a receiver appointed by such court, two-thirds in interest of each class of mortgages or holders of the bonds issued under a mortgage, two-thirds in interest of all other classes of creditors of the railroad company, and the owners of two-thirds of the shares of the stock of such company may agree in writing upon a plan for the adjustment of such indebtedness, by capitalization or otherwise.

When such agreement is made and filed in the office of the secretary of state, the secretary of state shall cause public notice of such agreement to be given in a newspaper of general circulation published in each of the cities of Columbus, Cincinnati, and Cleveland, and also in a newspaper of general circulation published in each of the counties through or in which the railroad is located. Publication shall be made immediately after the agreement is filed and continued for six consecutive weeks. The cost of such publication shall be paid by the company.

A duplicate of such agreement shall be kept at the principal office of the company. All persons in interest, not parties to such agreement, may, for four months after the date of the first publication, appear, either in person or by proxy, and become a party to such agreement, by signing it, and thereby secure its benefits.

TITLE LI: PUBLIC WELFARE

CHAPTER 5101: DEPARTMENT OF PUBLIC WELFARE—GENERAL PROVISIONS

5101.12—Lease of real estate for oil or gas.

The director of public welfare may lease, for oil and gas, any real estate owned by the state and placed under the supervision of the department of public welfare, to any person, partnership, or corporation, upon such terms and for such number of years, not more than ten, as will be for the first interest of the state. No such lease shall be agreed upon or entered into before such proposal to lease such property has been advertised once each week for four weeks in a newspaper of general circulation in the city of Columbus. Such lease shall be made with the person offering the best terms to the state * * * *

CHAPTER 5103: DIVISION OF SOCIAL ADMINISTRATION

5103.17—Advertising; enforcement.

No persons, organizations, hospitals, or associations which have not been approved and certified by the division of social administration shall advertise that they will adopt children or place them in foster home, hold out induce-

ments to parents to part with their offspring, or in any manner knowingly become a party to the separation of a child from its parents or guardians, except through a juvenile court commitment.

The division of social administration shall enforce this section and sections 5103.15, 5103.16, and 2151.51 of the Revised Code.

CHAPTER 5121: WELFARE INSTITUTIONS—GENERALLY

5121.13—Permission from court of common pleas to carry on business.

A person, firm, or corporation may file a petition in the court of common pleas of the county in which a benevolent institution is located, in which petition the desire to erect or carry on at a less distance than that prescribed in section 5121.12 of the Revised Code shall be set forth, the business prohibited, the precise point of its establishment, and the reasons and circumstances, in its opinion, why the erection or carrying on thereof would not annoy or endanger the health, convenience, or recovery of the inmates of such institution. The petitioner shall give notice in a newspaper of general circulation in the county of the pendency and prayer of the petition for at least six consecutive weeks previous to the term of court next to be held, and serve a written notice upon the superintendent of the institution at least thirty days before the day set for hearing the petition.

CHAPTER 5145: PENITENTIARY

5145.18—Regulation of printing at penitentiary and reformatory.

Any printing or binding performed in the penitentiary shall be performed solely for the use of such penitentiary or reformatory or the department of public welfare, or the department of mental hygiene and correction.

TITLE LIII: REAL PROPERTY

CHAPTER 5301: CONVEYANCES; ENCUMBRANCES

5301.27—Conditional grants or devises of real estate.

When any lands are left encumbered, by a deed, will, or other instrument of record, with the payment of money, or the performance of any acts by the grantee or devisee, such grantee or devisee or his heirs or assigns, upon the payment of the money or the performance of the acts, may present the receipt of such payment, or the proof of the performance of such acts, to the probate court of the county in which such lands are situated. The court must enter such payments and the proof of the performance of such acts on its journal, record the receipts and the proof of the performance of such acts on the margin of the will record in which such encumbrances are created, and order that this be done in like manner on the margin of the deed record by the county recorder. Such lands will then be relieved from the encumbrances except for fraud.

No such record of receipts or orders may be made by the probate judge nor shall he enter proof of the performances of such acts until notice thereof has been given as is required by sections 2109.32 and 2109.33 of the Revised Code.

CHAPTER 5309: REGISTRATION OF LAND TITLES

5309.12—Parties.

The applicant desiring to register the title to land or to any interest therein shall be regarded as plaintiff and all other persons named in the application and to be affected by the decree shall by name be entered in the caption of the petition and treated as defendants * * * *

When the names of any persons or heirs or devisees of a deceased person, necessary or proper to be made parties defendant to an application, are unknown to the applicant after diligent inquiry and research * * * the applicant shall so state and allege in his application or any amendment thereof and such persons and their heirs or devisees shall thereupon be included and considered as defendants to such application under the term and designation, "unknown heirs, and devisees of..... as the case may require, and notified by publication as provided in section 5309.15 of the Revised Code. When the place of residence or post-office address of any person, whose residence or post-office address is required to be given, is unknown, it shall be so stated and alleged, if the applicant also alleges that upon diligent inquiry and research, stating of what such inquiry and research consisted, he has been unable to ascertain such residence or address. Thereupon such person shall be notified by publication as provided in such section, as one whose residence and post-office address are unknown * * * *

5309.15—Publication of notice of filing and substance of application.

After the investigation authorized by section 5309.14 of the Revised Code, if, in the opinion of the examiner of titles, the applicant has a good title as alleged, and proper for registration, or if the applicant after an adverse opinion of the examiner elects to proceed further, the clerk of the probate court or the clerk of the court of common pleas shall, upon the filing of the examiner's report or the applicant's election, cause notice of the filing, substance, and prayer of the application to be published once a week for three consecutive weeks in a newspaper, which may be designated by the applicant, published and of general circulation in each county where any portion of the land lies, or if no newspaper is published in any of such counties, then in a newspaper so designated, published, and of general circulation in an adjoining county. The expense of such publication shall be paid by the applicant and taxed as costs in the case. The notice shall be issued by order of the court, attested by the clerk, and shall be in form substantially as follows:

.....Court of.....County, Ohio

No.....

A. B. plaintiff vs C. D. et al. defendants	APPLICATION TO REGISTER TITLE TO LAND

To (here insert the names, residences, and addresses of all the defendants so far as known), and to all persons having any interest in or lien or charge upon the lands or any part thereof described herein. You are hereby notified that an application has been filed in said court by.....to settle, determine, and remove all clouds from and register his (or their) title in and to, and to settle, determine, and register all lesser or other estates and interests in, and all liens and charges upon, the following described land (insert description).

You are hereby required to answer said application on or before the .....day of .....A.D.....and show cause, if any you have, why the prayer of said application should not be granted. And unless you appear at said court on or before the time aforesaid and make answer or other plea to said application your default will be recorded, the said application will be taken as confessed, and you will be forever barred from contesting said application or any degree entered thereon.

WITNESS.....Judge of said Court, this.....day of.....in the year nineteen hundred and.....

Attest:

The form of said notice in cases mentioned in section 5309.66 of the Revised Code may be varied as the facts require.

5309.16—Answer day.

The answer day of the notice set forth in section 5309.15 of the Revised Code shall be the third Saturday after the publication is completed. The probate court or the court of common pleas shall, within seven days after the first publication of said notice in a newspaper, cause a copy of such published notice to be served on the defendants by registered letter, mailed by the clerk of the probate court or the clerk of the court of common pleas, with a five day return card thereon, to every defendant named in said notice whose address is given or known.

The court shall cause a copy of the notice attested by the clerk to be posted by the sheriff in a conspicuous place on each parcel of land included in the application, at least fourteen days before the answer day of such notice. Such sheriff's return shall be proof of such posting. The court may cause additional notice of the application to be given or additional persons to be made parties and served as provided by law in civil actions. The court shall, so far as it considers it possible, require proof of actual notice to all adjoining owners and to all persons resident of the state who appear to be in possession or occupancy of, or to have any interest in or claim to, or lien or charge upon the land, or any part thereof, included in the application. If any registered letter containing such published notice, mailed by the clerk to a defendant named as a resident of the state, is returned undelivered, such notice shall be remailed by the clerk to any other address of such party of which the plaintiff is able to learn and which he shall designate by amendment of his application filed in the case. If there is no other address, or if said letter is again returned undelivered, the clerk shall thereupon, on the praecipe of the plaintiff, issue summons for such defendant as in other cases. Such summons shall be directed to the sheriff of each of the counties in which the plaintiff, in his application or any amendment thereof, states that such defendant resides. Such summons shall have attached thereto an attested copy of said published notice. If said summons and notice are returned unserved because the defendant cannot be found, then such defendant may be regarded as having been served by such published notice as a person whose place of residence and post-office address are unknown. In all cases, whether of original registration or subsequently arising in any way in reference to registered land or any interest in or lien or charge upon it, in which notice is required or may be ordered by the court to be given to parties by the clerk by publishing or mailing, or both, the certificate of the clerk, stating that he has served the notices as required or as directed by the court and stating which of the letters mailed by him containing said notices have been returned to him undelivered, shall be filed in the case before any order or decree is taken or made and shall be proof of such service.

5309.45—Application for registration on the death of registered owner.

Upon the death of a registered owner of land, * * * his heirs or devisees, * * * may * * * make application to the probate court or the court of common pleas for registration of the title of the deceased in such heirs and devisees, according to their respective rights and interests * * * *

5309.46—Title acquired through executor.

When the will of a deceased registered owner of real property, or any right or interest therein, empowers the executor to sell, encumber or otherwise deal with such property, right, or interest, such executor need not be registered as the owner thereof; but any person who acquires title by virtue of the execution of such power may have such title registered, by application to and

order of the probate court or the court of common pleas made after notice to all persons in interest to be given by the clerk of said court by registered mail or otherwise as the court directs.

5309.66—Optional registration of title to land sold in partition or by assignee or administrator.

In all suits to sell an estate in fee in the whole of unregistered land brought by an assignee or trustee for the benefit of creditor * * * If such land is not sold the person entitled thereto may procure a transfer and certificate therefor to be made to him by application to and order of the probate court or the court of common pleas, made after hearing upon notice to all persons in interest to be given by the clerk of said court by registered mail or otherwise as the court directs * * * *

5309.83—Notice of appeal; petition, bond, and transcript

Any person feeling himself aggrieved by the action, finding, or decision of the county recorder * * * may, within three days thereafter, file with the recorder a written notice of intention to appeal and shall, within ten days thereafter, file in the court of common pleas a petition setting forth the matter complained of and making the recorder and other persons whose interest may be affected, parties defendant, who shall be notified by summons or other process as provided by law in civil actions, or by registered mail and other process as provided in cases of original registration * * * *

TITLE LV: ROADS—HIGHWAYS—BRIDGES

CHAPTER 5511: STATE HIGHWAY SYSTEM

5511.01—State highway system.

All state highways established by law shall continue to be known as state highways, and the state highway system established by law shall continue to be known as the state highway system.

Before establishing any additional highways as part of the state highway system, the director shall give notice, by publication in one newspaper of general circulation in each of the counties in which it is proposed to make such changes, once each week for two successive weeks * * * *

5511.07—Procedure for vacating highway.

In pursuance of section 5501.11 of the Revised Code, the director of highways, in vacating any highway or portion thereof on the state highway system which he finds no longer necessary for the purposes of a public highway, shall enter such finding in his journal, which entry shall contain a description of the highway or part thereof to be vacated. Notice of such finding shall be published once a week for two consecutive weeks, in a newspaper of general circulation in the county in which such highway, or part thereof, to be vacated lies * * * *

CHAPTER 5513: MATERIALS—PURCHASE; SALE; EXCHANGE

5513.04—Sale of worn out or obsolescent materials.

The director of highways, after notice as provided in sections 5513.01 and 5513.02 of the Revised Code with respect to purchase, may sell any machinery, tools, equipment, material, or supplies unfit for use or not required by the

department of highways. The director may exchange such machinery, tools, and equipment for new equipment, in the manner provided for in sections 5513.01 to 5513.04, inclusive, of the Revised Code and pay the balance of the cost of such new equipment from the maintenance and repair fund of the department.

The director may sell or otherwise dispose of any structure or structural materials salvaged on the state highway system which in his judgment are no longer required by the department, or which, through wear or obsolescence, have become unfit for use. The director may authorize the sale of such structure or materials by the division deputy directors of highways, and proceedings of such sale shall be conducted in the same manner as provided for sales by the director.

Sale of such structure or materials shall be made to the highest responsible bidder * * * * If the structure or materials to be sold have a fair market value in excess of two hundred dollars, then the director shall publish one notice of said sale in a newspaper of general circulation in the county in which such structure or materials are located, and notice shall be published at least ten days before bids are to be received * * * *

The director may transfer said structure or materials to counties, municipal corporations or other government subdivisions without advertising for bids and upon such terms as he may agree with the public authorities empowered to arrange for the transfer.

When, in carrying out an improvement which replaces any structure or materials, it is advantageous to dispose of such structure or materials by providing in the contract for the improvement that the structure or materials, or any part thereof, shall become the property of the contractor, the director may so proceed.

Proceeds of any sale described in this section shall be paid into the state treasury to the credit of a state highway fund.

CHAPTER 5515: STATE HIGHWAYS—USE; OBSTRUCTION

5515.06—Procedure to remove buildings or other obstructions near railroad crossings.

If the director of highways or board of county commissioners deems it necessary, at or near railroad crossings, to remove buildings or other obstructions near such crossings, they shall, by resolution, declare it necessary to appropriate such buildings or other obstructions and the ground upon which they are located, if deemed advisable, and cause notice of the passage of such resolution to be served upon owners of the property sought to be appropriated. If such owners are nonresidents, the director or board shall cause notice of such resolution to be given by one publication in some newspaper of general circulation in the county in which the property sought to be appropriated is located, and, if the address of such owners is known to the county auditor, he shall cause a copy of such notice to be mailed to them. Within ten days after service of the resolution or publication of notice, such owners shall file with the director or board their claims for compensation and damages * * * *

CHAPTER 5517: PROPOSED PROJECTS—MAINTENANCE REPAIR

5517.02—Estimates; emergency work.

Before undertaking the construction, improvement, maintenance, or repair of a state highway, or a bridge or culvert thereon, the director of highways shall make an estimate of the cost of such work, which estimate shall include labor, material, freight, fuel, use of equipment, and all other items of cost

and expense. In constructing, improving, maintaining, and repairing state highways, and the bridges and culverts thereon, the director shall proceed by contract let to the lowest competent and responsible bidder, after advertisement as provided in section 5525.01 of the Revised Code * * * *

CHAPTER 5519: APPROPRIATION OF PROPERTY

5519.01—Appropriation of property.

If the director of highways is unable to purchase property for any purpose authorized by Chapters 5501., 5503., 5505., 5511., 5513., 5515., 5517., 5519., 5521., 5523., 5525., 5527., 5529., 5531., and 5533. of the Revised Code, he shall first enter on the journal of the department of highways a finding that it is necessary * * * to appropriate such property * * * *

The director shall, in such finding, fix what he deems the value of such property appropriated, together with damages to the residue and deposit the value thereof, together with such damages with the probate court or the court of common pleas of the county within which such property, or a part thereof, is situated, for the use and benefit of such owner, and thereupon the director may take possession of and enter upon said property for any such purposes.

Notice shall be served upon such owner * * * In case the owner is a nonresident of the state or cannot be found the clerk shall give notice by publication by one insertion in some newspaper published in and of general circulation in the county, or if there is no such newspaper published in the county then in some newspaper of general circulation in the county.

CHAPTER 5523: GRADE CROSSINGS

5523.11—Plans of proposed improvement.

Before any work is done which may be required in the making of the proposed grade crossing elimination improvement, the director of highways shall file plans covering the proposed improvement in the office of the division deputy director of highways of the state highway division district within which such improvement or any part thereof is located, for the examination of all persons interested * * * *

Upon the filing of plans as provided in this section, the director shall enter upon the journal of the department of highways a finding and determination of his intention to make the proposed improvement in accordance with such plans. Thereupon the director shall cause to be published, in a newspaper published and of general circulation in each county, or if there is no such newspaper, then in one of general circulation in such county in which any portion of such improvement is to be constructed, once each week for two consecutive weeks, notice of the entry of said findings and determination, and a statement that a copy of the plans of such improvement is on file with the division deputy director for the inspection of all interested persons. The director shall fix a date, not less than twenty days after the date of the last publication of such notice, which date shall be set forth therein, on or before which itemized claims for compensation for land taken and damages resulting from such taking, or from the making of said improvement, shall be filed in duplicate, in writing, with the division deputy director in whose district any portion of such improvement lies. Such notice shall state that failure to file any such claims is a waiver thereof. A true copy of such notice shall be served upon the owners of all property to be taken and of land abutting on any portion of the highway to be physically changed, or which will be vacated in the construction of the improvement. Such service shall be made in the ordinary manner of serving legal process, or may be made by the director by registered mail. Any owners whose place of residence is unknown and cannot by the exercise of reasonable diligence be ascertained, or who are nonresidents of the

state, shall be specifically named in the notice by publication provided for by this section, and shall therein be directed to take due notice of the contents thereof. Such notice shall be served and publication completed at least ten days before any work is begun on such improvement * * * *

5523.12—Judicial inquiry into claims.

Within thirty days after the expiration of the time provided for the filing of claims for compensation, or damages, when such claims have been filed as provided in section 5523.11 of the Revised Code, the director of highways shall determine by a finding entered upon the journal of the department of highways that such claims, or any of them, upon which the director and claimants therefor, are unable to agree are to be judicially inquired into * * * The attorney general, within a reasonable time, shall file an application, together with sufficient copies for service upon all said claimants, in accordance with such request, which shall contain a prayer to the court to fix a date for such trial within a reasonable time and before the completion of such improvement, as determined in the finding of the director, a certified copy of which shall be attached as an exhibit and made a part of such application; thereupon the director may take possession of and enter upon the property for any and all such purposes.

Notice of the filing of such application shall be given the claimants named therein by serving each whose place of residence is known and who resides in the state with a copy of the application in like manner as summons served in civil actions in the court of common pleas, and upon all others by publishing the substance of the application in a newspaper, published and of general circulation in the county where the action was filed, and if there is no such newspaper then in one of general circulation in such county, once each week for two consecutive weeks. Thereupon the court shall assign such claims for trial within a reasonable time * * * *

CHAPTER 5525: CONSTRUCTION CONTRACTS

5525.01—Advertisement for bids.

Before entering into a contract the director of highways shall advertise for bids, for two consecutive weeks in two newspapers, of general circulation and of the two dominant political parties, published in the county in which the improvement or part thereof is located, but if there are no such newspapers then in two newspapers having general circulation in said counties. The director may advertise for bids in such other publications as he deems advisable. Such notices shall state that plans and specifications for the improvement are on file in the office of the director and the division deputy director of the district in which such improvement or part thereof is located and the time within which bids therefor will be received * * * *

5525.17—Failure of contractor or surety to complete work.

If a contractor has not commenced his work within a reasonable time, or does not carry the same forward with reasonable progress, or is improperly performing his work, or has abandoned, or fails or refuses to complete a contract entered into under Chapters 5501., 5503., 5505., 5511., 5513., 5515., 5517., 5519., 5521., 5523., 5525., 5527., 5529., 5531., and 5533. of the Revised Code, the director of highways shall make a finding to that effect and so notify the contractor in writing, and the rights of the contractor to control and supervise the work shall immediately cease * * * * If, after receiving notice of the action of the director in terminating the control of the contractor over the work covered by his contract, the sureties on such contractor's bond do not within ten days give the director the written notice provided for in this section, the director shall complete the work in the following manner:

(A) He shall first advertise the work for letting in the manner provided

by section 5525.01 of the Revised Code, and the estimated cost at which such work shall be advertised shall be the difference between the original contract price and the amount paid to the original contractor, and at such letting the contract for the completion of the work shall not be let at a price in excess of such estimate unless the director and the sureties on the contractor's bond agree in writing that the lowest and best bid in excess of the estimate be accepted * * * *

(F) Where the estimated cost of completing a defaulted contract does not exceed five thousand dollars, the director may complete the same by force account, or by a contract let without advertisement.

CHAPTER 5531: FEDERAL CO-OPERATION

5531.03—Acceptance of federal funds for elimination of grade crossings.

* * * * To accomplish the improvements contemplated under the "emergency relief appropriation act of 1935," or the "federal road act of 1916," as amended, and any subsequent legislation supplementing or amending either of such acts, or under any other act of congress, the director, in all instances where it is necessary and expedient and the appropriate federal agency is in accord, may proceed with the separation of grades of any public highway or street and a railroad, or the alteration, relocation, reconstruction, change or repair of any crossing of a public highway or street and railroad at which the grades are already separated. The procedure governing such improvements shall be in accordance with sections 5523.01 and 5523.19 and related sections of the Revised Code, as applicable to railroad crossings on the state highway system, except as provided in this section * * * *

Legislative authorities of any political subdivision may, when approved by the director and when co-operating with the department of highways, follow the procedure available to the director in grade elimination projects as provided in Chapters 5501., 5503., 5505., 5511., 5513., 5515., 5517., 5519., 5521., 5523., 5525., 5527., 5529., 5531., and 5533. of the Revised Code, as further modified by this section, but no contracts shall be awarded for the construction of such an improvement until the director has satisfied himself that all needed property is available. For the purpose of expediting such improvements as are undertaken under this section, work may begin on such improvement immediately after the completion of the publication of notice of the intention to proceed with the improvement required in section 5523.11 of the Revised Code, except that the notice need not name any owners not of record or whose place of residence is unknown and cannot, by the exercise of reasonable diligence, be ascertained, or who are nonresidents of the state. Service of notice upon the owners of all property to be taken, and on owners of land abutting on any portion of the highway to be physically changed, or which will be vacated in the construction of the improvement, shall be completed in accordance with section 5523.11 of the Revised Code, within one hundred twenty days after the publication of such notice. Any owners whose place of residence is unknown and cannot, by the exercise of reasonable diligence, be ascertained, or who are nonresidents of the state shall by a further publication, be notified of a time for the presentation of their claims which shall be not less than twenty days after the completion of publication. Such further publication shall be in a newspaper and for such time as is provided in section 5523.11 of the Revised Code. The requirements of the holding of an open meeting to explain the plans, as provided in section 5523.11 of the Revised Code shall be optional with the director in connection with any such improvement.

The board or legislative authority of any municipal corporation may co-operate with the director in any of the improvements described in this section, adopting the appropriate procedure set forth in sections 5521.02, 5521.07, and 5523.15 and related sections of the Revised Code * * * *

CHAPTER 5537: TURNPIKE COMMISSION

5537.04—Authority and powers of turnpike commission.

The commission is hereby authorized and empowered to: * * * *

(I) Acquire, in the name of the state, by purchase or otherwise, on such terms and in such manner as it deems proper, or by the exercise of the right of condemnation in the manner provided by section 5537.06 of the Revised Code, such public or private lands, including public parks, playgrounds, or reservations, or parts thereof or rights therein, right of way, property, rights, easements, and interests as it deems necessary for carrying out sections 5537.01 to 5537.23, inclusive, of the Revised Code, and full compensation shall be paid for public lands, playgrounds, parks, parkways, or reservations so taken * * * *

(K) Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under sections 5537.01 to 5537.23, inclusive, of the Revised Code:

(1) When the cost under any such contract or agreement, other than compensation for personal services, involves the expenditure of more than one thousand dollars, the commission shall make a written contract with the lowest and best bidder after advertisement for not less than two consecutive weeks in a newspaper of general circulation in Franklin county, and in such other publications as the commission determines, which notice shall state the general character of the work and the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids; * * * *

5537.06—Appropriation of property and rights of way.

The commission may acquire by appropriation any land, rights of way, franchises, easements, or other property necessary or proper for the construction or the efficient operation of any turnpike project. In any proceedings for appropriation under this section, the procedure to be followed, the estate which shall vest in the state, and the right to possession which shall be acquired by the commission shall be as follows: * * * *

(B) If the commission is unable to agree with any owner within a time considered by the commission to be reasonable, it shall declare, by resolution, that fact and the necessity of appropriating the property of said owner, and direct that proceedings to effect such appropriation be begun and prosecuted * * * *

(C) Such proceedings shall be begun and prosecuted either in the probate court or the court of common pleas, as the commission elects, of the county in which the property or a part thereof is situated, by filing application to which there shall be attached and made a part thereof a copy of the resolution of the commission.

(D) Notice of the filing of such application shall be given to all owners by serving a certified copy of said application in the manner of service of summons in civil actions. When the residence of the owners is unknown, and as to all who cannot be served within the state, notice shall be given by publishing the substance of the application, and a statement of the date of the filing thereof and of the date on and after which the matter may be heard, once a week for three consecutive weeks, in some newspaper of general circulation in the county, or shall be given by registered mail as provided by law. When service is made by publication, section 2703.16 of the Revised Code shall be complied with * * * *

5537.16—Bylaws, rules, and regulations.

The commission shall have power to adopt such bylaws, rules, and regulations as it may deem advisable for the control and regulation of traffic on

any turnpike project, for the protection and preservation of property under its jurisdiction and control, and for the maintenance and preservation of good order within the property under its control. Such bylaws, rules, and regulations shall be published in a newspaper of general circulation in Franklin county, and in such other manner as the commission prescribes. * * * *

CHAPTER 5543: DUTIES OF COUNTY ENGINEER

5543.10—Construction of sidewalks upon petition; expense.

The county engineer * * * shall construct sidewalks * * * along the public highway outside any municipal corporation, upon the petition of a majority of the abutting property owners, and the expense of construction of such sidewalks shall be paid by the county or township and abutting property owners * * * *

The board of county commissioners or board of township trustees may, by unanimous vote, order the construction of sidewalks along the public highway outside a municipal corporation, without a petition therefor, and may assess all or any part of the cost against abutting property owners, provided that notice is given by publication for three successive weeks in some newspaper of general circulation within the county, stating that it is the intention of the board of county commissioners or board of township trustees to construct such sidewalks, and fixing a date for hearing on the improvement.

Notice to all abutting property owners shall be given by two publications in a newspaper of general circulation in such county, at least ten days prior to the date fixed in the notice for the making of such assessments. Such notice shall state the time and place when abutting property owners will be given an opportunity to be heard with reference to assessments, and the board of county commissioners or board of township trustees shall determine whether such assessments shall be paid in one or more installments.

5543.13—Agreement as to compensation and damages.

When lands are entered upon under section 5543.12 of the Revised Code, the county engineer shall agree with the owners of such lands * * * as to the amount of compensation and damages already sustained or to be sustained by such owner * * * *

If the engineer is unable to agree with such owner, such amount shall be determined by the board of county commissioners or board of township trustees. The amount shall be fixed after a hearing, of which the owner shall have notice, in the manner provided in section 5555.09 of the Revised Code. The owners of such lands may appeal to the probate court on the question of compensation and damages, as provided in sections 5563.01 to 5563.19, inclusive, of the Revised Code.

CHAPTER 5549: PURCHASE OF MACHINERY AND EQUIPMENT

5549.21—Purchase of machinery, materials, and supplies.

The board of township trustees may purchase or lease such machinery and tools as are necessary for use in constructing, reconstructing, maintaining, and repairing roads and culverts within the township, and shall provide suitable places for housing and storing machinery and tools owned by the township * * * All purchases of materials, machinery, and tools shall, where the amount involved exceeds one thousand dollars, be made from the lowest responsible bidder after advertisement, as provided in section 5575.01 of the Revised Code. Where, in compliance with section 505.10 of the Revised Cade, the board desires to sell machinery, equipment, or tools, owned by the township to the person from whom it is to purchase other machinery, equipment, or tools, the board

may offer, where the amount of the purchase alone involved does not exceed one thousand dollars, to sell such machinery, equipment, or tools and have the amount credited by the vendor against the purchase of the other machinery, equipment, or tools. Where the purchase price of the other machinery, equipment, or tools alone exceeds one thousand dollars, the board may give notice to the competitive bidders of its willingness to accept offers for the purchase of the old machinery, equipment, or tools, and such offers shall be subtracted from the selling price of the other equipment, as bid, in determining the lowest responsible bidder. Notice of the willingness of the board to accept offers for the purchase of the old machinery, equipment, or tools shall be made as a part of the advertisement for bids.

CHAPTER 5553: COUNTY ROADS—ESTABLISHMENT; ALTERATION; VACATION

5553.05—Board shall fix date to view improvement and date for final hearing; notice.

> **[Proceedings to establish, abolish, or change a county road. The action is initiated by "freeholders" from the vicinity of the proposed improvement. Then the board of county commissioners views the location of the proposed improvement and a hearing is held.]**

* * * * The board shall give notice of the time and place for both such view and hearing by publication once a week for two consecutive weeks in a newspaper published and having general circulation in the county where such improvement is located, but if there is no such newspaper published in said county, then in a newspaper having general circulation in said county. Such notice, in addition to the date and place of such view and place and time of the final hearing, shall state briefly the character of such improvement.

5553.11—Notice to landowners and nonresidents before hearing claims; service.

If the board of county commissioners, at its final hearing on the proposed improvement, orders the improvement established, it shall fix a date for hearing claims for compensation and damages. Such board shall forthwith give notice in writing of the time and place of such hearing to the owners through or upon whose lands said improvement is to be established or located * * * *

If any person, firm, or corporation, through or upon whose lands said improvement is to be established, is a nonresident of the county, the board shall give notice of the time and place of such hearing to such nonresident owner by publication once each week for two consecutive weeks in a newspaper published and having general circulation within the county, but if there is no such newspaper published in said county, then in a newspaper having general circulation in said county. A copy of the newspaper containing such notice shall be mailed by the clerk of the board to each nonresident of the county whose post-office address is known to such clerk.

5553.14—View and hearing by joint board; resolution.

> **[Proceedings of the same nature as above, except that the situation involves two or more counties, the proposed improvement being on, along, or across, a county line. The boards of county commissioners sit as a joint board for the purpose of these proceedings.]**

If the joint board of county commissioners is of the opinion that it is for the public convenience or welfare to make the proposed improvement, it shall declare the necessity therefor by resolution at the meeting provided for in section 5553.13 of the Revised Code * * * *

Such resolution shall fix a date when the joint board will view the proposed

improvement and the date of the final hearing thereon. The joint board shall give notice of the time and place for both such view and hearing by publication in each county interested in like manner as though such project were a single county improvement * * * *

5553.18—Determining true line of road; petition.

5553.19—Notice of hearing upon report of county engineer; objections.

The county engineer shall view and survey the road, and shall make a return of the survey and plat of the road to the board of county commissioners. Upon the filing of the report of the engineer, the board shall give notice of the filing of such report by publication once each week for three consecutive weeks in a newspaper published and having general circulation in the county in which such road is situated, but if there is no such newspaper published in said county, then in a newspaper having general circulation in said county. Such notice shall state the date and time of the hearing upon the report of the engineer * * * *

5553.23—Petition by owner to change road running through his land; notice.

If a person through whose land a public road has been established desires to turn or change a road through any part of his land, he may file a petition with the board of county commissioners setting forth briefly the particular change he desires. Upon the receipt of such petition, the board shall give notice by publication once not later than two weeks prior to the date for the hearing on such petition in some newspaper published and of general circulation in said county, but if there is no such newspaper published in said county, then in a newspaper having general circulation in said county, stating that such petition has been filed and settting forth the change desired in such road and the date and place for the hearing on said petition * * * *

5553.41—Petition to obtain road through lands of another.

[Any person desiring to secure for the use of the public a road leading from any land owned by him, through the land of another, may file a petition with the board of county commissioners for the purpose.]

5553.42—Notice of filing petition to obtain road through lands of another; service.

The board of county commissioners shall give notice to the owners of lands through which the proposed road will pass of the filing of the petition provided for in section 5553.41 of the Revised Code and the date and place of the hearing thereon * * * * If any of such owners are nonresidents of the county, the board shall give notice to such nonresidents by publication once each week for two consecutive weeks in a newspaper published and having general circulation within the county, but if there is no such newspaper published in said county, then in a newspaper having general circulation in said county. A copy of the newspaper containing such notice shall be mailed by the county auditor to each nonresident whose post-office address is known to such auditor. Such notice shall state the time and place of the hearing on claims for compensation and damages.

5553.43—Application for compensation and damages in proceeding to obtain road through lands of another; award; appeal.

In a proceeding to obtain a road through lands of another, application for compensation and damages shall be made in writing at any time before the date for the hearing of claims therefor * * * *

Any petitioner may appeal from the order of the board refusing to

establish such road, and any interested person may appeal from an order establishing such road. If any owner of premises through which the road passes is not satisfied with the amount awarded him by the board as compensation and damages, or either, he may appeal from such award. All appeals shall be to the probate court and shall be taken in the manner provided in sections 5563.01 to 5563.19, inclusive, of the Revised Code. Proceedings under this section and sections 5553.41 and 5553.42 of the Revised Code shall be subject to section 5563.01 of the Revised Code.

[Section 5563.17—see below—provides: "The board shall give notice as provided in section 5553.42 of the Revised Code of the time and hearing on the questions of compensation and damages * * * *"]

CHAPTER 5555: COUNTY ROAD IMPROVEMENT

5555.07—Copies of surveys, plans, and estimates transmitted to board.

The county engineer shall prepare and file with the board of county commissioners, by the time fixed therefor by the board, copies of the surveys, plans, profiles, cross sections, estimates of cost, and specifications for the improvement and estimated assessments upon lands benefited thereby. Thereupon such board shall file such copies in its office for the inspection and examination of all persons interested. The board shall publish in a newspaper published and of general circulation in the county, or if no newspaper is published in the county then in a newspaper having general circulation in the county, for the period of two weeks, notice that a resolution has been adopted providing for said improvement, and that copies of the surveys, plans, profiles, cross sections, estimates, and specifications, together with estimated assessments upon the lands benefited by such improvement for the proportion of the cost thereof to be assessed therefor, are on file in the office of the board for the inspection of persons interested therein. Such notice shall state the time and place for hearing objections to said improvement and to such estimated assessments, and for hearing claims for damage sustained on account thereof, and that unless such claims are filed in writing with the board on or before the time fixed for hearing them, such claims shall be waived, except as to minors, and other persons under disability * * * *

5555.09—Appropriation of property; notice.

If the surveys, plans, profiles, and cross section prepared by the county engineer puruant to section 5555.07 of the Revised Code show that lands will be required for the improvement, the board of county commissioners shall cause notice to be served upon the owners of such lands, residents of the county, whose residences are known, which notice shall state whose land or property is to be appropriated and the dimensions of such land or property * * * *

If such owners are nonresidents of the county or if their residences are unknown, publication of notice that said improvement will require the appropriation of lands of such nonresidents for the improvement, together with a general description of such improvement, shall be made for the period of two weeks in some newspaper published and of general circulation in the county, or if there is no such newspaper then in some newspaper of general circulation in the county. Such publication shall state the time and place for the presentation of claims for compensation for land taken or for damages accruing to lands or property because of such improvement. If any owners are nonresidents of the county, a copy of the newspaper containing such notice shall be mailed by the clerk of the board to each such owner whose residence is known to him. Return of the time and manner of service shall be filed with the board on or before the date fixed for hearing claims for compensation.

5555.27—Hearing objections and claims by joint board; notice.

As soon as the county engineer has transmitted to the several boards of county commissioners copies of his surveys, plans, profiles, cross sections, estimates; and specifications for the improvement, the joint board of county commissioners shall, except in cases of reconstruction or repair of roads where no lands or property are taken, fix a time and place for hearing objections to said improvement and claims for compensation for lands and property to be taken or damages sustained on account of such improvement. The joint board shall thereupon, except in cases of reconstruction or repair of roads where no lands or property are taken, publish in a newspaper published and of general circulation within each interested county, or if there is no such newspaper published in such county then in a newspaper having general circulation in such county, once a week for two consecutive weeks, a notice that such improvement is to be made and that copies of the surveys, plans, profiles, cross sections, estimates, and specifications therefor are on file in the office of the board of each interested county for the inspection and examination of all persons interested therein. Such notice shall also state the time and place for hearing objections to said improvement and for hearing claims for compensation for lands and property to be taken for said improvement or damages sustained on account thereof, and that unless such claims are filed in writing with the joint board at the place fixed for such hearing on or before the time fixed for such hearing, such claims are waived except as to minors and other persons under disability. If land or property is to be taken for such improvement, such notice shall state whose land or property is to be appropriated and shall be served in the manner provided by section 5555.09 of the Revised Code.

5555.42—Application to court if equitable assessment cannot be made.

A board of county commissioners desiring to construct a county road improvement and finding that no equitable method of apportioning the compensation, damages, and expenses thereof is provided by section 5555.41 of the Revised Code, or finding that an equitable assessment cannot be made by the use of any of the several assessment areas authorized by said section, may order the county engineer to make a tentative plan for such improvement and an approximate estimate of the cost. Such board may thereupon file an application in the court of common pleas describing the improvement in question, and a copy of the tentative plan and approximate estimate of cost shall be attached to such application * * * *

Notice of the filing and pendency of such application shall be given once a week for four consecutive weeks by publication in two newspapers published and of general circulation in the county, or if there are no such newspapers then in two newspapers of general circulation in such county. Such notice shall describe the route and termini of the improvement and set forth the estimated cost and the proposed method of apportionment and assessment area * * * *

5555.61—Contracts for improvement; notice and letting.

After the board of county commissioners decides to proceed with the improvement, it shall advertise for bids once, not later than two weeks prior to the date fixed for the letting of contracts, in a newspaper published and of general circulation in the county, but if there is no such newspaper published in the county then in a newspaper having general circulation in said county. The board may also cause advertisements for bids to be inserted in some trade paper or other publication to be designated by it. Such notice shall state that copies of the surveys, plans, profiles, cross sections, estimates, and specifications for such improvement are on file in the office of the board, and the time within which bids will be received. The board may let the work

as a whole or in convenient sections, as it determines, and shall award the contract to the lowest competent and responsible bidder. Such contract shall be let upon the basis of lump sum bids, unless the board orders it let upon the basis of unit price bids.

5555.63—Award of contract.

No contract for any improvement shall be awarded at a greater sum than the estimated cost of such improvement. The bids received shall be opened at the time stated in the notice. If no bids are made within the estimate, the board of county commissioners shall either readvertise at the original estimate, or amend the estimate and proceed to advertise at the amended estimate. The board may reject all bids.

5555.68—Completion of improvement on failure of contractor.

If, in the opinion of the board of county commissioners, the contractor has not commenced his work within a reasonable time, does not carry such work forward with reasonable progress, is improperly performing his work, or has abandoned or failed to complete a contract entered into, the board shall make a finding to that effect, enter such finding on its journal, and so notify the contractor in writing, and the right of the contractor to control and supervise the work shall immediately cease * * * *

If, after receiving notice of the action of the board in terminating the control of the contractor over the work covered by his contract, the sureties on such contractor's bond do not within ten days give the board the written notice provided in this section, the board shall complete the work. The board shall first advertise the work for letting as provided by sections 5555.61 and 5555.62 of the Revised Code, and the estimated cost at which the work shall be advertised shall be the difference between the original contract price and the amount paid to the original contractor * * * When the estimated cost of completing a defaulted contract does not exceed five thousand dollars, the board may complete it by force account, or by contract let without advertising.

5555.71—Construction by force account; estimate; procedure.

Before undertaking the construction, reconstruction * * * or improvement of a road, the board of county commissioners shall cause to be made by the county engineer an estimate of the cost of such work * * * * When the total estimated cost of the work exceeds three thousand dollars per mile, the board shall invite and receive competitive bids for furnishing all the labor, materials, and equipment and doing the work, as provided in section 5555.61 of the Revised Code * * * * This section applies to new construction and repair work.

CHAPTER 5557: MUNICIPAL ROAD IMPROVEMENT

5557.03—Copy of surveys, plans, and estimates filed with legislative authority; examination; resolution.

If any part of the cost of the proposed road improvement is assumed by the municipal corporation, the board of county commissioners, after the approval by it of the surveys, plans, profiles, cross sections, estimates, and specifications, shall cause a copy of the surveys, profiles, and the proposed proportion of cost to be paid by the municipal corporation, to be filed with the legislative authority. The legislative authority shall examine the surveys, profiles, and the proposed proportion of cost to be paid by such municipal corporation. If after such examination the legislative authority is satisfied that the public convenience and welfare require that the improvement be made, it shall, by resolution, so determine * * * *

5559.06—Copies of plans; notice of hearing; compensation for damage.

Upon the completion of the surveys, plans, profiles, cross sections, estimates, and specifications for an improvement under section 5559.02 of the Revised Code by the county engineer, he shall transmit to the board of county commissioners copies of such surveys, plans, profiles, cross sections, estimates, and specifications. The board shall then publish, in a newspaper published and of general circulation within the county, and if there is no such newspaper published in the county then in one having general circulation in such county, once a week for two consecutive weeks, a notice that such improvement is to be made and that copies of the surveys, plans, profiles, cross sections, estimates, and specifications for it are on file in the office of the board for the inspection and examination of all persons interested. Such notice shall also state the time and place for hearing objections to the improvement, for hearing claims for compensation for lands and property to be taken for such improvement or damages sustained on account thereof, and that unless such claims are filed in writing with the board, on or before the time fixed for hearing, the claims will be waived, except as to minors and other persons under disability.

In the event that land or property is to be taken for such improvement, the notice shall state whose land or property is to be appropriated, and the board shall also cause such notice to be served, at least ten days before the hearing, on the owner of such property * * * *

5559.10—Estimated assessment; notice; hearing.

As soon as all questions of compensation and damages have been determined in a road improvement case, the county engineer shall make, upon actual view, an estimated assessment upon the real estate to be charged therewith, of the compensation, damages, and costs of an improvement as provided by section 5559.02 of the Revised Code. Such estimated assessment shall be according to the benefit which will result to the real estate. In making such assessment the engineer may take into consideration any previous special assessments made upon the real estate for road improvements. The schedule of such assessments shall be filed in the office of the board of county commissioners for the inspection of the persons interested. Before adopting the assessment the board shall publish, once each week for two consecutive weeks, in some newspaper published and of general circulation in the county, but if there is no such newspaper then in one having general circulation in the county, notice that such assessment has been made, is on file in the office of the board, and the date when objections will be heard to such assessment * * * *

5559.11—Assessments to be entered on special duplicate; bonds.

* * * * If any lands to be assessed are subject to a life estate, the assessments made thereon shall, upon application of the life tenant to the board, be apportioned between the owner of the life estate and the owner of the fee, in proportion to the value of their respective estate. Upon the filing of the application the board shall fix a date for hearing and cause notice of such hearing to be served on the owner of the fee in the manner provided by section 5559.06 of the Revised Code * * * *

5559.12—Publication of notice for bids.

After the board of county commissioners has decided to proceed with an improvement as provided in section 5559.02 of the Revised Code, it shall advertise for bids once, not later than two weeks prior to the date fixed for the letting of the contract, in a newspaper published and of general circulation

in the county, but if there is no such newspaper then in one having general circulation in such county. Such notice shall state that copies of the surveys, plans, profiles, cross sections, estimates, and specifications for such improvement are on file in the office of the board, and the time within which bids will be received * * * *

CHAPTER 5561: COUNTY ROAD GRADE CROSSINGS

5561.04—Board shall hold public hearing; notice of hearing.

The board of county commissioners, desiring to proceed under sections 4957.06 and 5561.01 to 5561.15, inclusive, of the Revised Code, shall, after receipt of the certificate of necessity and expediency from the director of highways, as provided in section 5561.03 of the Revised Code, hold a public hearing as to the expediency of constructing such improvement, notice of which shall be given by publication in two newspapers published and of general circulation in the county, if such there be, otherwise in two newspapers of general circulation in such county, for two weeks prior to the date set for such hearing, and served upon the railroad or interurban railway companies in the manner for the service of summons in civil actions, not less than twenty days prior to the date of such hearing.

The board, after such hearing and for the purpose of making or causing such an improvement to be made, may, by resolution, adopted by unanimous vote, require the railroad company, in co-operation with the county engineer or any engineer designated by the board, to prepare and submit to the board within six months, unless longer time is mutually agreed upon in writing, plans and specifications for such improvements, specifying the number, character, and location of all piers and supports which are to be permanently placed in any road or highway, specifying the grades to be established for the roads and the height, character, and estimated cost of any viaduct or way above or below any railroad track, and the change of grade required to be made of such tracks including side tracks and switches. But in changing the grade of any railroad, no grade shall be required in excess of that adopted by the railroad company for its construction work on that division or part of the railroad on which the improvement is to be made, without the consent of the railroad company, nor shall the railroad company's tracks be required to be placed below higher-water mark.

Such resolution shall be published in the same manner as resolutions of the legislative authority of a municipal corporation declaring the necessity of a contemplated public improvement, and shall be served by the sheriff upon the railroad or interurban railway companies in the manner provided for the service of summons in civil actions * * * *

5561.08—Service of summons and publication.

Notice of the passage of a resolution for a grade crossing improvement shall be served by the sheriff of the county, upon the owner of each piece of property which will be affected by any change of grade, in the manner provided for the service of summons in civil actions. If any such owners are nonresidents of the county, or if it appears from the return that they cannot be found, the notice shall be published for at least two weeks in an English language newspaper published in such county. Notice shall be completed at least twenty days before any work is done on such improvement, and the sheriff's return shall be prima-facie evidence of the facts recited therein.

Section 727.18 of the Revised Code shall apply to the notice provided for in this section, and to all claims for damages by reason of such improvement * * * *

5561.14—Grade crossings of state and intercounty highways.

In case the tracks of any street or interurban railway company cross, on a state or intercounty highway, the right of way of any railroad company at a point where, under the plans and specifications as provided in section 5561.04 of the Revised Code, it has been determined to construct improvements, the board of county commissioners, by resolution, may require such street or interurban railway company to bear a reasonable portion of the cost assumed by the county in making the improvement, not exceeding twenty-five per cent of the portion payable by the county * * * *

CHAPTER 5563: APPEALS IN COUNTY ROAD CASES

5563.17—Procedure after judgment establishing improvement.

If an appeal is taken from the order of the board of county commissioners dismissing or refusing to grant the prayer of a petition for a road improvement, and the jury finds in favor of such improvement, the probate court shall render judgment establishing such improvement, unless a new trial is granted by the court, and the said improvement shall be established unless the judgment of such court is reversed. The board shall thereupon take the necessary steps to have the improvement platted and surveyed, and shall proceed to have the compensation and damages, on account of such improvement, determined. The board shall give notice as provided in section 5553.42 of the Revised Code of the time of hearing on the questions of compensation and damages, and all proceedings shall thereafter be had, as if no appeal had been taken.

CHAPTER 5573: TOWNSHIP ROAD IMPROVEMENT

5573.02—Transmission of surveys, plans, and specifications to board of township trustees; publication of notice; hearing.

Upon the completion of the surveys, plans, profiles, cross sections, and specifications for a road improvement by the county engineer, he shall transmit to the board of township trustees copies of the same. Except in cases of reconstruction or repair of roads, where no land or property is taken, the board shall then cause to be published in a newspaper, published in the county and of general circulation within the township, but if no such paper is published in the county then in one having general circulation in such township, once a week for two consecutive weeks, a notice that such improvement is to be made and that copies of the surveys, plans, profiles, cross sections, estimates, and specifications for it are on file with the board for the inspection and examination of all persons interested * * * *

5573.10—Estimated assessment on real estate.

As soon as all questions of compensation and damages have been determined for any road improvement, the county engineer shall make * * * an estimated assessment, upon the real estate to be charged, of such part of the compensation, damages, and costs of such improvement as is to be specially assessed * * * *

The schedule of such assessments shall be filed with the board of township trustees for the inspection of the persons interested. Before adopting the estimated assessment, the board shall publish once each week for two consecutive weeks, in some newspaper published in the county and of general circulation within such township, but if there is no such paper published in said county then in one having general circulation in such township, notice that such assessment has been made and is on file with the board, and the date when objections will be heard to such assessment * * * *

5573.12—Apportionment between owners of life estate and fee; hearing; appeal.

If any lands to be assessed for road improvement are subject to life estate, the assessments shall, upon application of the life tenant to the board of township trustees, be apportioned between the owner of the life estate and the owner of the fee, in proportion to the value of their respective estates. Upon filing of the application the board shall fix a date for hearing the same and cause notice to such hearing to be served on the owner of the fee as provided by section 5573.02 of the Revised Code * * * *

5573.13—Township's proportion of costs; payment.

* * * * For the purpose of maintaining, repairing, or dragging any public road or part thereof under their jurisdiction in the manner provided in sections 5571.02 to 5571.05, inclusive, 5571.08, 5571.12, 5571.13, and 5575.01 of the Revised Code, the board of trustees may levy, annually, a tax not exceeding three mills upon each dollar of the taxable property of said township * * * *

5573.14—Board of township trustees may issue bonds in anticipation of tax.

The board of township trustees in anticipation of the collection, for road improvements, of taxes and assessments or any part thereof, may, whenever in its judgment it is necessary, sell the bonds of the township in any amount not greater than the aggregate sum necessary to pay the estimated compensation, damages, and costs of such improvement * * * *

The sale of such bonds shall be advertised once, not later than two weeks prior to the date fixed for such sale, in a newspaper published in the county and of general circulation within such township, but if there is no such paper published in the county then in one having general circulation in the township * * * *

5573.15—Joint improvement by townships; procedure.

The boards of township trustees of two or more townships may construct, reconstruct, resurface, or improve a township road or part thereof, along the line between such townships, extending into or through all such townships, or wholly within the township but within less than the legal assessment distance of the township line. In such case the several boards, when acting as a joint board and when acting separately, in the making of assessments and issuing bonds, shall be governed by sections 5555.21 to 5555.34, inclusive, of the Revised Code, in so far as the same are applicable. They shall also have the same power with respect to county roads located as provided in this section * * * *

5573.21—Erection of road district outside municipal corporation.

The board of township trustees of a township in which there is located a municipal corporation or a part thereof, may, by resolution, erect that portion on the township not included within the corporate limits of such municipal corporation into a road district, whenever in its opinion it is expedient and necessary and for the public convenience and welfare, for the purpose of constructing, reconstructing, resurfacing, or improving, the public roads within such district. The district so created shall be given an appropriate name by which it shall be designated.

After such district has been created, the board shall have all the powers and duties which it has under sections 5571.01, 5571.06, 5571.15, 5573.01 to 5573.14, inclusive, and 5575.02 to 5575.09, inclusive, of the Revised Code, and it shall proceed in like manner in the constructing, reconstructing, resurfacing, improving, maintaining, repairing, and dragging of township roads, or part thereof, in such cases as provided for the board in township road construction.

CHAPTER 5575: MAINTENANCE AND REPAIR—CONTRACT; FORCE ACCOUNT

5575.01—Maintenance and repair of roads by contract or force account.

In the maintenance and repair of the roads the board of township trustees may proceed either by contract or force account. When it proceeds by contract the contract shall, if the amount involved exceeds one thousand dollars, be let by the board to the lowest responsible bidder after advertisement for bids once, not later than two weeks prior to the date fixed for the letting of such contract, in a newspaper published in the county and of general circulation within the township, but if there is no such paper published in the county, then in one having general circulation in the township. If the amount involved is one thousand dollars or less the contract may be let without competitive bidding * * * *

Where the total estimate cost of the work exceeds three thousand dollars per mile, the board shall invite and receive competitive bids for furnishing all the labor, mterials, and equipment and doing the work as provided in section 5575.02 of the Revised Code, and shall consider and reject them before ordering the work done by force account * * * *

5575.02—Publication of notice for bids; award of contract.

After the board of township trustees has decided to proceed with a road improvement, it shall advertise for bids once, not later than two weeks prior to the date fixed for the letting of contracts, in a newspaper published in the county and of general circulation within such township, but if there is no such paper published in the county then in one having general circulation in the township. Such notice shall state that copies of the surveys, plans, profiles, cross sections, estimates, and specifications for such improvement are on file with the board, and the time within which bids will be received * * * *

5575.03—Contract shall not be awarded at more than estimated cost; rejection of bids.

No contract for any road improvement shall be awarded at a greater sum than the estimated cost thereof. The bids received shall be opened at the time stated in the notice. If no bids are made within the estimate, the board of township trustees shall either readvertise at the original estimate, or amend the estimate and proceed to advertise at the amended estimate * * * *

5575.05—New contract for extra work; procedure.

In case of an unforeseen contingency not contemplated by the road improvement contract, allowances for extra work may be made by the board of township trustees, but it must first enter into a new contract in writing for such extra work. In all cases where the amount of the original contract price is less than ten thousand dollars, and the amount of the estimate for extra work exceeds five hundred dollars, section 5575.02 of the Revised Code relating to advertising for bids applies to the letting of contracts for such work * * * *

CHAPTER 5579: GENERAL HIGHWAY PROVISIONS

5579.01—Appropriation of drainage rights or easements.

The director of highways, board of county commissioners, or board of township trustees, may, in connection with any road improvement, appropriate any drainage rights outside the line of a highway, or any easement, right, or interest in any property desired for any proposed improvement. In case such official or boards desire to appropriate the drainage right, easements, right, or interest in any property in connection with any existing highway, the same may be done in the manner provided by sections 5549.04 to 5549.09, inclusive,

of the Revised Code. And land or property rights required for the construction of a new bridge, or for any additions or repairs to an existing bridge, may be acquired in like manner.

CHAPTER 5591: COUNTY BRIDGES

5591.06—Appropriation of property; approaches; damages; vacation of highways.

The board of county commissioners may in the making of a contract for the construction, use, and maintenance of a joint bridge, provide for approaches to such bridge for general highway traffic, over or from any other public highway adjacent to such joint bridge, and may acquire lands or property for such bridge and approaches by dedication, purchase, or appropriation in the manner provided for the dedication, purchase, or appropriation of private property for public use * * * *

5591.07—Resolution to modify or alter bridge; exhibits.

In the event it is necessary in the construction, use, or maintenance of a joint bridge to establish, alter, narrow, change the grade, or vacate a part or all of any public highway, the board of county commissioners of a county may, by resolution, declare such necessity and its intention to make such highway modifications or alterations, and provide in the resolution the manner in which the alterations or changes are to be made, the approximate cost so far as the county is concerned, the land or other property it is necessary to appropriate, how the cost of such alterations or changes is to be apportioned between the county and railroad or union depot company, and by whom the work of construction is to be done * * * *

5591.08—Notice to be served on owners; claims to be filed.

Notice of the passage of the resolution provided for in section 5591.07 of the Revised Code shall be served upon the owners of property abutting upon that part of any highway to be altered, relocated, narrowed, or vacated in whole or in part, or any change of grade thereof, in the manner provided as to resolutions declaring the necessity for a street improvement of a municipal corporation * * * *

5591.09—Resolution to determine to proceed.

* * * * At the time of passing the resolution, the proposed contract between the county and the railroad or union depot company, for the construction, use, and maintenance of the joint bridge, together with the plans and specifications showing its location, elevation, and approaches, with such other information as may be required under said contract, shall be prepared and on file with the board. The plans, specifications, and contract shall be approved and the execution of the contract by the officers of such county shall be authorized by the resolution determining to proceed * * * *

5591.12—Proceedings to be the same as in other county roads.

In the establishment or making of any change in the location of any highway as shown on the plan or required by the construction contract, or any relocation or vacation of the whole or any part of such highway by the board of county commissioners, the same proceeding shall be had by it as is provided for the establishment, change of location, relocation, widening, vacation, or establishing or re-establishing a grade for a highway as in the case of county roads within the jurisdiction of such board.

5591.13—Lands to be purchased or appropriated.

The land or property required to make the alteration in a street or highway necessitated by a proposed improvement as provided in sections 5591.03 to

5591.17, inclusive, of the Revised Code, and as shown in the plan, specifications, and contract, shall be purchased or appropriated by the county in the same manner as the appropriation of private property for public use, and any land or property required to make any alteration in the railroad necessitated by the proposed improvement, shall be purchased or appropriated by the railroad company in the manner provided for the appropriation of private property by such corporation.

5591.14—County may issue bonds.

* * * * After the improvement is completed, a tax may be levied by the county to pay the cost of maintaining and keeping in repair that part of the joint bridge required to be maintained and kept in repair by the county.

5591.15—Publication in newspaper.

All resolutions and notices provided for in sections 5591.03 to 5591.17, inclusive, of the Revised Code, shall be published in a newspaper printed and of general circulation in the county where the improvement provided in such sections is to be made, and such publication shall be complete when published once a week, on the same day of the week, for two consecutive weeks.

5591.27—Bridge to replace one destroyed.

In rebuilding a bridge destroyed or injured by flood or fire, the board of county commissioners may select a new site therefor. Before the change is made, or a contract for that purpose is entered into, the board shall give at least twenty days' notice of the time when the question of change will be considered, and at such hearing, all persons interested may present their views and wishes to the board, either by petition, remonstrance, or orally.

5591.39—Proceedings when price not agreed upon.

For the purpose of appropriating a bridge as authorized by section 5591.38 of the Revised Code, the board of county commissioners shall have made an accurate survey and description of the bridge and approaches and the land occupied thereby, and file them with the probate court or court of common pleas of the county. Thereupon like proceedings shall be had as for the appropriation of private property for municipal corporations * * * *

CHAPTER 5593: BRIDGE COMMISSIONS

5593.09—Power to acquire bridge, land, and rights.

The state bridge commission or the bridge commission of any county or city may acquire by condemnation or purchase any bridge, land, rights, easements, franchises, and other property necessary or convenient for the improvement or efficient operation of any property acquired or constructed under sections 5593.01 to 5593.19, inclusive, of the Revised Code, or for securing right of way leading to any such bridge or its approaches.

If condemnation proceedings are instituted the following procedure shall be substantially followed:

* * * *

(B) If the commission is unable to agree with such owner within a time considered by such commission to be reasonable, it shall declare, by resolution, that fact and the necessity of appropriating the toll bridge, property, or interest of said owner, and direct that proceedings to effect such appropriation be begun and prosecuted * * * *

(C) Such proceedings shall be begun and prosecuted either in the probate court or the court of common pleas, as the commission elects, of the county in which the property, or a part thereof is situated, by filing application upon which there is attached and made a part thereof, a copy of the resolution of such commission.

(D) Notice of the filing of such application shall be given by serving a certified copy of said application, in the manner of service of summons in civil actions, upon all owners, residents of the state, whose place of residence is known; when the owner is a foreign corporation, having a managing agent in this state, service may be had upon such agent; when the residence of the owner is unknown, and to all others who are nonresidents of the state, notice shall be given by publishing the substance of the application, with statement of the time of the filing thereof, together with a statement of the date on and after which the matter may be heard, once a week for three consecutive weeks next preceding the time set for hearing said proceedings, in some newspaper of general circulation in the county. If it appears that such notice has been served, duly published, or waived, the court shall set the time for the assessment of compensation by the jury not earlier than five days after the return of personal service, nor earlier than five days after the last publication, but it may be made at a special term of court and the jury shall proceed as in all civil cases * * * *

TITLE LVII: TAXATION

CHAPTER 5703: DEPARTMENT OF TAXATION

5703.02—Powers and duties of board of tax appeals.

The board of tax appeals shall exercise the following powers and perform the following duties of the department of taxation: * * * *

(H) Adopt and promulgate in the manner provided by section 5703.14 of the Revised Code all rules of the department of taxation relating to the procedure of the board in administering the laws which it has the authority or duty to administer, and to the procedure of officers or employees of the department whom the board may appoint; provided that sections 5703.11 and 5703.13 of the Revised Code shall apply to and govern the procedure of the board except in so far as such sections conflict with sections 5703.01 to 5703.09, inclusive, 5703.14, and 5703.15 of the Revised Code * * * *

CHAPTER 5705: TAX LEVY LAW

5705.19—Resolution relative to tax levy in excess of ten-mill limitation.

The taxing authority of any subdivision * * * may declare by resolution that the amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the subdivision, and that it is necessary to levy a tax in excess of such limitation for any of the following purposes: * * * *

Such resolution shall go into immediate effect upon its passage, and no publication of the same shall be necessary, other than that provided for in the notice of election.

5705.191—Submission of question of levying additional taxes to electors of subdivision other than school district.

Notwithstanding the provisions of any other law to the contrary, during the period from the effective date of this act until June 30, 1955, the taxing authority of any subdivision, other than the board of education of a school district * * * may declare by resolution that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the subdivision * * * Said resolution shall go into immediate effect upon its passage and no publication of the same shall be necessary other than that provided for in the notice of election * * * *

5705.20—Special levy for tuberculosis hospital.

The board of county commissioners of any county * * * may declare by resolution that the amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the support of tuberculosis hospitals, or for the care, treatment, and maintenance of residents of the county who are suffering from tuberculosis at hospitals with which the board has contracted pursuant to such section, and that it is necessary to levy a tax in excess of the ten-mill limitation to supplement such general fund appropriations for such purpose, but the total levy for this purpose shall not exceed sixty-five one hundredths of a mill.

Such resolution shall conform to section 5705.19 of the Revised Code and be certified and submitted in the manner provided in section 5705.25 of the Revised Code * * * *

5705.21—Special levy for school purposes; anticipation notes.

At any time the board of education of any school district by a vote of two thirds of all its members may declare by resolution that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirement of the school district, that it is necessary to levy a tax in excess of such limitation for school district purposes, and that the question of such additional tax levy shall be submitted to the electors of the school district at a special or primary election to be held at a time specified in the resolution. No more than one such special election shall be held in any one calendar year. Such resolution shall conform to section 5705.19 of the Revised Code, except that such levy may not be for a longer period than two years and such resolution shall specify the date of holding such special or primary election, which shall not be earlier than twenty-five days after the adoption and certification of such resolution nor later than one hundred twenty days thereafter. Said resolution shall go into immediate effect upon its passage and no publication of the same shall be necessary other than that provided for in the notice of election. A copy of such resolution shall immediately after its passage be certified to the board of elections of the proper county in the manner provided by section 5705.24 of the Revised Code, and said section shall govern the arrangements for the submission of such question and other matters concerning such election, to which said section refers, except that such election shall be held on the date specified in the resolution, provided that no special election shall be held during the ten days preceding or subsequent to Easter Sunday, Thanksgiving Day, or Christmas Day in any year. Publication of notice of such election shall be made in one or more newspapers of general circulation in the county once a week for four consecutive weeks * * * After the approval of such levy vote and prior to the time when the first tax collection from such levy can be made, the board of education of the school district may anticipate a fraction of the proceeds of such levy and issue anticipation notes in an amount not exceeding fifty per cent of the total estimated proceeds of the levy throughout its life.

Such notes shall be sold as provided in sections 133.01 to 133.65, inclusive, of the Revised Code * * * *

5705.22—Additional levy for county hospitals.

The board of county commissioners of any county * * * may declare by resolution that the amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the support of county hospitals, and that it is necessary to levy a tax in excess of the ten-mill limitation to supplement such general fund appropriations for such purpose, but the total levy for this purpose shall not exceed sixty-five hundredths of a mill.

Such resolution shall conform to the requirements of section 5705.19 of the Revised Code, and shall be certified and submitted in the manner provided in section 5705.25 of the Revised Code * * * *

5705.23—Special levy for library purposes.

The taxing authority of any county, municipal corporation, school district, or township, having a board of public library trustees, shall, upon the receipt of a resolution adopted by said board requiring the submission of a special levy for the use of said board, submit to the vote of the electors of the subdivision the special levy for library purposes authorized by section 5705.19 of the Revised Code * * * *

5705.24—Tax levy for child welfare services; limitations.

The board of county commissioners of any county, at any time prior to the fifteenth day of September in any year, after providing the normal and customary percentage of the total general fund appropriations for the support of child welfare services and the care and placement of children, as set forth in sections 335.01 to 335.35, inclusive, of the Revised Code, by vote of two-thirds of all the members of said board may declare by resolution that the amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the support of such child welfare services, and that it is necessary to levy a tax in excess of the ten-mill limitation to supplement such general fund appropriations for such purpose, but the total levy for this purpose shall not exceed sixty-five one-hundredths of a mill.

Such resolution shall conform to the requirements of section 5705.19 of the Revised Code and be certified and be submitted in the manner provided in section 5705.25 of the Revised Code * * * *

5705.25—Submission of proposed levy; notice of election; form of ballot; certification.

A copy of any resolution adopted as provided in section 5705.19 of the Revised Code shall be certified by the taxing authority to the board of elections of the proper county not later than four p.m. of the ninetieth day before the day of the general election in any year, and said board shall submit the proposal to the electors of the subdivision at the succeeding November election. Such board shall make the necessary arrangements for the submission of such question to the electors of such subdivision, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in such subdivision for the election of county officers. Notice of the election shall be published in a newspaper of general circulation in the subdivision once a week for four consecutive weeks prior to the election, stating the purpose, the proposed increase in rate, expressed in dollars and cents for each one hundred dollars of valuation as well as in mills for each one dollar of valuation, the number of years during which such increase will be in effect, and the time and place of the election * * * *

5705.30—Public inspection of budget; hearing; notice; submission to county auditor.

In addition to the information required by section 5705.29 of the Revised Code, the budget of each subdivision shall include such other information as is prescribed by the bureau of supervision and inspection of public affairs. At least two copies of the budget shall be filed in the office of the fiscal officer of the subdivision for public inspection not less than ten days before its adoption by the taxing authority, and such taxing authority shall hold at least one public hearing thereon, of which public notice shall be given by at least one publication not less than ten days prior to the date of hearing in the official publication of such subdivision, or in a newspaper having general circulation in the subdivision * * * *

5705.40—Amending or supplementing appropriation ordinance; transfer; unencumbered balance; appropriation for contingencies.

5705.43—Improvements paid by special assessments.

In the case of an improvement, the cost of which is to be paid in whole or part by special assessments, a contract may be executed without an appropriation or certificate for that portion of the cost derived from special assessments, provided that a resolution or ordinance authorizing such assessment and the bonds or notes to be issued in anticipation thereof has been passed in the manner provided by law.

CHAPTER 5713: ASSESSING REAL ESTATE

5713.01—County auditor shall be assessor; assessment; procedure; employment and compensation of employees.

* * * * The county auditor shall be the assessor of all the real estate in his county for purposes of taxation * * * *

When the auditor determines to assess all the real estate in the county he shall advertise the completion of his reappraisal in a newspaper of general circulation in the county once a week for three consecutive weeks next preceding the issuance of the tax bills * * * *

CHAPTER 5715: BOARDS OF REVISION

5715.12—Duty to give notice before increasing valuation; service.

The county board of revision shall not increase any valuation without giving notice to the person in whose name the property affected thereby is listed and affording him an opportunity to be heard. Such notice shall describe the real property, the tax value of which is to be acted upon, by the description thereof as carried on the tax list of the current year, and shall state the name in which it is listed; such notice shall be served by delivering a copy thereof to the person interested, by leaving a copy at the usual place of residence or business of such person, or by sending the same by registered letter mailed to the address of such person. If no such place of residence or business is found in the county, then such copies shall be delivered or mailed to the agent in charge of such property. If no such agent is found in the county, such notice shall be served by an advertisement thereof inserted once in a newspaper of general circulation in the county in which the property is situated. Notices to the respective persons interested in different properties may be united in one advertisement under the same general heading. Notices served in accordance with this section shall be sufficient.

5715.17—Notice that work of equalization completed; county auditor to furnish certificates.

When the county board of revision has completed its work of equalization and transmitted the returns to him, the county auditor shall give notice by advertising in two newspapers of opposite politics published in and of general circulation throughout the county that the tax returns for the current year have been revised and the valuations completed and are open for public inspection in his office, and that complaints against any valuation or assessment, except the valuations fixed and assessments made by the department of taxation, will be heard by the board, stating in the notice the time and place of the meeting of such board. Such advertisements shall be inserted in a conspicuous place in each such newspaper and be published daily for ten days, unless there is no daily newspaper published in and of general circulation throughout such county, in which event such advertisement shall be so published once each week for two weeks * * * *

CHAPTER 5719: COLLECTION OF TAXES

5719.04—Tax list and duplicate of delinquent personal and classified property taxes; publication; notice of lien; certificate of jeopardy; stay of collection.

Immediately after each October settlement the county auditor shall make a tax list * * * *

The auditor shall cause a copy of the delinquent personal and classified property tax list and duplicate, provided for in this section, to be published twice within sixty days after delivery of such list and duplicate to the treasurer in two newspapers of opposite politics published in the English language in the county and of general circulation therein; provided that before such publication the auditor shall cause a display notice of the forthcoming publication of such delinquent personal and classified property tax list and duplicate to be inserted once a week for two consecutive weeks in two newspapers of opposite politics published in the English language in the county and of general circulation therein. Copy for such display notice shall be furnished by the auditor to the newspapers selected to publish such delinquent tax lists simultaneously with the delivery of the lists to the treasurer. If there is only one newspaper of a designated political affiliation published in the county and of general circulation therein, such display notice and delinquent personal and classified tax lists shall be published in it and in a newspaper independent in politics published and of general circulation in such county. Where there is no newspaper of designated political affiliation published in such county, publication of such notice and delinquent personal and classified property tax lists shall be made in two newspapers independent in politics in such county and of general circulation therein. A newspaper independent in politics means a newspaper of opposite politics to a newspaper of designated political affiliation. Publication of the delinquent lists may be made by a newspaper in installments, provided that complete publication thereof is made twice during said sixty day period. Payment for the publication of such lists shall be at the rate provided for the publication of the delinquent land lists in section 5721.05 of the Revised Code * * * *

CHAPTER 5721: DELINQUENT LANDS

5721.01—Definitions.

* * * * (B) As used in sections 5719.04 and 5721.03 of the Revised Code and in any other sections of the Revised Code, to which the same are applicable, unless otherwise specifically defined therein "newspaper" means a publication bearing a title or name, published at a fixed place of business, regularly issued at fixed intervals as frequently as once a week, and having a second-class mailing privilege, being not less than four pages of five columns or more. The primary function of such publication shall be to inform, instruct, enlighten, and entertain. Such publication must be of a type to which the general public resorts for intelligence of passing events of a political, religious, commercial, and social nature, local and general current happenings, editorial comment, announcements, miscellaneous reading matter, advertisements, and other notices. To be a newspaper publication of general circulation it must have been published at a regular intervals continuously during a period of at least two years or as a direct legal successor of such publication issued during the immediate prior period of at least two years; circulated and distributed from an established place of business to subscribers or readers generally of all classes in the county in which it is circulated, for a definite price or consideration for each copy or at a fixed price per annum, the circulation of which is proven bona fide by at least fifty per cent thereof being paid for by regular

subscribers or through recognized news dealers; and it must publish an average of forty per cent news matter which has sufficient merit to have created a following of paid readers.

5721.02—Collection of delinquent taxes.

The office of the county treasurer shall be kept open to receive the payment of delinquent real estate, personal, and classified property taxes, from the date of the delivery of the delinquent land lists and the delinquent personal and classified property tax lists provided for in sections 5719.04 of the Revised Code, until the final publication of any such delinquent tax list, in order that the name of any taxpayer, paying such taxes prior to forty-eight hours before the first publication of any such list, may be stricken from such list. If payment is made subsequent to the first publication and prior to forty-eight hours before the second publication of any such list, the name of such taxpayer shall be eliminated from the second publication.

5721.03—Auditor to certify list and duplicate of delinquent lands; contents; publication.

Immediately after each August settlement, the auditor shall make and certify a list and duplicate of all the delinquent lands in his county. If such list has not been previously published, the first of such lists shall contain all lands which have been or may be certified as delinquent and with respect to which an action to foreclose the tax lien thereon has not been filed. Lands which have been included in a previously published list shall not be included in the list provided for in this section. Lands on which the only unpaid taxes are amounts claimed in good faith not to be due in complaints pending under section 5715.19 of the Revised Code shall not be included in such list. In subsequent years such list shall contain only those lands which become delinquent during the year preceding such publication. In any list there may be included lands which have been omitted from a prior list. Such delinquent land list and duplicate shall contain the description of the property as it appears on the tax list, the name of the person in whose name it is listed, and the amount of taxes, assessments, and penalties due and unpaid at such August settlement. The original land list shall be kept in the office of the auditor and the duplicate shall be delivered to the county treasurer.

The auditor shall cause a list of the lands on such delinquent land list and duplicate to be published twice within sixty days after the delivery of the duplicate to the treasurer, in two newspapers of opposite politics and of general circulation in the county. Such publication shall be printed in the English language and the auditor shall insert a display notice of the forthcoming publication of the delinquent land list and duplicate once a week for two consecutive weeks in two newspapers of opposite politics and of general circulation in the county. Such display notice shall be published in the English language and shall comply with section 323.12 of the Revised Code, and contain the times and methods of payment of taxes provided by law, together with any other information which the auditor deems pertinent to the purpose of the notice, and shall be furnished by the auditor to the newspapers selected to public such delinquent land lists at least ten days before the first publication of such delinquent land list.

A newspaper independent in politics is a newspaper of opposite politics to a newspaper of a designated political affiliation.

When there is no newspaper of designated political affiliation published in such county, a publication of such notice and delinquent land lists shall be made in two newspapers published in such county of independent politics and of general circulation in the county. If there is only one newspaper published in the county and of general circulation, whether or not such newspaper is of a designated political affiliation, such display notice and delinquent land list

shall be published in it. Publication of delinquent land lists may be made by a newspaper in installments, providing the complete publication is made twice during the said sixty-day period.

There shall be attached to the list a notice that the delinquent lands will be certified for foreclosure by the county auditor unless the taxes, assessments, penalties, and interest are paid.

5721.04—Apportionment of expenses of publishing delinquent tax lists.

The proper and necessary expenses of publishing the delinquent tax lists and display notices provided for by sections 5719.04 and 5721.03 of the Revised Code shall be paid from the county treasury as county expenses are paid and the board of county commissioners shall make provision therefor in the annual budget of the county, submitted to the budget commission, and make the necessary appropriations. If the board fails to make such appropriation, or if the appropriation is insufficient to meet such expense, any person interested may apply to the court of common pleas of the county for an allowance to cover such expense, and the court shall issue an order instructing the county auditor to issue his warrant upon the county treasurer for the amount necessary, and the order by the court shall be final and shall be complied with forthwith.

The aggregate amount paid shall be apportioned by the auditor among the taxing districts in which the lands on each list are located in proportion to the amount of delinquent taxes so advertised in such subdivision * * * *

5721.05—Fees for publication of delinquent and forfeited land lists.

The publishers of newspapers, for advertising the delinquent and forfeited lists of the several counties, the omitted list provided for in section 5721.16 of the Revised Code, and the notice of sale, shall be entitled to receive for each insrtion a sum not exceeding the following rates:

(A) For the notice of sale, ten dollars;

(B) For designating the several school districts, townships, municipal corporations, and the several wards in a city, fifty cents each;

(C) For each tract of land, city or town lot, or part of lot, contained in each such list, thirty cents. A greater sum than one-half of the taxes and penalties, due on any tract, lot, or part of lot, shall not be allowed for advertising such tract, lot, or part of lot.

Newspapers having a circulation of over twenty-five thousand shall charge and receive for such advertisements, notices, and proclamations, rates charged by them on annual contracts for like amount of space to other advertisers in its general display advertising columns; and the publishers shall make and file with their bill before its payment, an affidavit that the newspaper had a bona fide circulation of more than twenty-five thousand at the time the advertisement, notice, or proclamation was published, and that the price charged in the bill did not exceed the rates provided for in this section for such advertisement, notice, or proclamation.

The cost of publication of the preliminary display notices as provided for in section 5721.03 of the Revised Code to be published in newspapers of less than twenty-five thousand circulation shall be the commercial rate charged by such newspapers.

5721.06—Form of notice.

The form of the notice provided for in section 5721.03 of the Revised Code shall be in substance as follows:

DELINQUENT LAND TAX NOTICE

The lands, lots, and parts of lots returned delinquent by the county treasurer of.....county, with the taxes, assessments,

and penalties, charged thereupon agreeably to law, are contained and described in the following list: (Here insert the list with the names of the owners of such respective tracts of land or town lots as designated on the duplicate). Notice is hereby given that the whole of such several tracts, lots, or parts of lots will be certified for foreclosure by the county auditor pursuant to law or forfeited to the state unless the taxes, assessments, penalties, and interest are paid.

5721.16—Court to fix a day for the hearing of objections; publication of notice.

Upon the filing of the application by the prosecuting attorney the court of common pleas shall fix a day for the hearing of objections to the action of the county board of revision in making the list of omitted lands and shall order the clerk of the court of common pleas to cause notice of the time and place of hearing, together with a list of such omitted lands, to be published once a week for two consecutive weeks in two newspapers as provided in section 5721.03 of the Revised Code. Proof of such publication shall be filed with the clerk and preserved as part of his records. The list as published shall contain the names of the owners, as found on the county auditor's duplicate, of such lands at the time they were omitted, a description of the property as it appears on the tax list, and the amount of taxes, assessments, and penalties due at the time of omission. The legal notice shall be in substance as follows:

NOTICE OF LANDS TO BE FORFEITED TO THE STATE OF OHIO

The following list is a list of lands, lots, and parts of lots upon which the taxes, assessments, etc., have been certified delinquent for two years:

(Here insert the list)

Such lots and lands were omitted by the county board of revision from foreclosure proceedings. The owners, mortgages, lienors, and any other persons having or claiming interest in such lands, lots, or parts of lots, will take notice that the court has fixed the date of.....(time)..... at.....(place).....when objections to the action of the county board of revision will be heard. Written objections may be filed prior to that date. If no valid objections are presented as to any of said lands the action of the county board of revision will be confirmed and said lands ordered forfeited to the state of Ohio to be sold pursuant to law.

5721.18—Foreclosure proceedings on lien of state.

The prosecuting attorney shall, upon the delivery to him by the county auditor of a delinquent land tax certificate, institute a proceeding * * * to foreclose the lien of the state * * * *

The proceedings for such foreclosure shall be instituted and prosecuted in the same manner provided by law for the foreclosure of mortgages on land, except that if service by publication is necessary, such publication shall be made once a week for three consecutive weeks instead of as provided by section 2703.17 or 2703.24 of the Revised Code, and the service shall be complete at the expiration of three weeks after the date of the first publication * * * *

5721.19—Finding; appraisement and sale.

[Procedure in foreclosure and sale of delinquent lands.]

* * * * Each parcel affected by the court's finding shall be separately appraised, advertised, and sold, unless the court orders any of such parcels to be appraised, advertised, and sold as a whole.

Said premises, if not sold pursuant to the first order of sale, may again and successively, and notwithstanding section 5723.01 of the Revised Code, be appraised, advertised, and offered for sale by the sheriff * * * *

CHAPTER 5723: FORFEITED LANDS

5723.05—Advertisement by county auditor.

If the taxes, assessments, penalties, interest, and costs due on the forfeited lands have not been paid when the county auditor fixes the date of his annual sale, the auditor shall give notice thereof once a week for two consecutive weeks prior to the first day of July in each year, in two newspapers as provided in section 5721.03 of the Revised Code * * * *

5723.07—Readvertisement of unsold lands.

After the county auditor has closed his annual sale, if any tract or parcel of land has been offered for sale as provided in section 5723.06 of the Revised Code and the same remains unsold, the auditor, at any time prior to his next annual sale, may again advertise said tract or parcel of land in the manner provided in section 5723.05 of the Revised Code and again offer it for sale.

5723.10—Form of notice of sale.

The notice of sale prescribed in section 5723.05 of the Revised Code, shall be in substance as follows:

FORFEITED LAND SALES

The lands, lots, and parts of lots, in the county of..... forfeited to the state for the nonpayment of taxes, together with the taxes, assessments, penalties, interest, and costs charged thereon, agreeably to law, and the dates on which said land, lots, and parts of lots will be offered for sale, are contained and described in the following list:

(Here insert list, together with the day on which each parcel or groups of parcels will be offered for sale for the first time.)

Notice is hereby given to all concerned, that if the taxes, assessments, penalties, interest, and costs charged on said list are not paid into the county treasury, and the county treasurer's receipt produced therefor, before the respective dates mentioned in this notice for said sale, each tract, lot, and part of lot, so forfeited, on which the taxes, assessments, penalties, interest, and costs remain unpaid, will be offered for sale on the respective dates mentioned in this notice for said sale, at the courthouse in said county, in order to satisfy such taxes, assessments, penalties, interest, and costs, and that said sale will be adjourned from day to day until each tract, lot, and part of lot specified in said list has been disposed of, or offered for sale.

.....
County Auditor

.....
(Date of Notice)

5723.15—Purchasers may have partition.

[Procedure when a person who acquired title to land by virtue of sale upon execution, finds himself a co-tenant and demands partition. Proceedings to be similar to those above.]

CHAPTER 5739: SALES TAX

5739.02—Levy of tax; purpose; rate; exemptions.

For the purpose of providing revenue with which to meet the needs of the state * * * an excise tax is hereby levied on each retail sale made in this state of tangible personal property * * * *

(B) The tax does not apply to the following: * * * *

(4) Sales of newspapers and of magazine subscriptions shipped by second class mail * * * *

CHAPTER 5743: CIGARETTE TAX

5743.43—Offering inducements with cigarettes.

No person shall sell, exchange, or dispose of cigarettes or attempt to do so, upon representation, advertisement, notice, or inducement that a photograph, lithograph, picture, or any other thing is to be delivered or received, or connected with or a part of the transaction, as a gift, prize, premium, or reward, or sell, exchange or dispose of a package, box, or bundle of cigarettes containing a photograph, lithograph, picture, coupon, or anything other than cigarettes, unless it is the usual label or trademark of the manufacturer.

CHAPTER 5915: CIVIL DEFENSE

5915.143—Insignia, who shall wear; destruction of air raid systems; false air raid warning.

* * * * (B) No person shall willfully and knowingly spread false rumors of enemy attack for the purpose of instigating public panic or disorder * * * *

CHAPTER 5917: MILITARY CENSUS

5917.05—Notice of time and place of taking census.

The sheriff of each county shall publish a notice of the time and places of taking a military census, in two newspapers of opposite politics and of general circulation in the county, not less than ten days before the census is to be taken * * * *

No person referred to in this section shall receive any additional compensation for services * * * except the clerks of elections * * * and the newspapers publishing the notice of taking the census, which shall receive the legal rate for publishing said notice. The compensation to the clerks and the cost of advertising shall be paid in the same manner as election expenses are paid.

TITLE LXI: WATER SUPPLY—SANITATION—DITCHES

CHAPTER 6101: CONSERVANCY DISTRICTS

6101.01—Definitions.

As used in sections 6101.01 to 6101.84, inclusive, of the Revised Code:

(A) "Publication" means once a week for three consecutive weeks in each of two newspapers of different political affiliations if there are such newspapers, and of general circulation in the counties wherein such publication is to be made. Such publication need not be made on the same day of the week in each of the three weeks; but not less than fourteen days, excluding the day of the first publication, shall intervene between the first publication and the last publication. Publication shall be complete on the date of the last publication * * * *

6101.08—Hearing on petition; effect of order establishing conservancy district.

At the preliminary meeting of the court it shall fix the time and place of the hearing on the petition for the establishment of the proposed conservancy district, which hearing shall be held not later than sixty days thereafter, and the clerk of such court shall give notice of such hearing by publication * * * *

6101.13—Official plan for district improvements; hearing; approval.

Upon its qualification, the board of directors of a conservancy district shall prepare a plan for the improvements for which the district was created * * * *

Upon the completion of the plan and the approval by the department, the board shall cause notice of the completion of such plan to be given by publication in accordance with section 6101.01 of the Revised Code, and shall permit the inspection of such plan by all persons, public corporations, and agencies of the state government interested. Said notice shall fix the time and place for the hearing of all objections to said plan which shall be not less than twenty nor more than thirty days after the last publication of said notice * * * *

6101.16—Board of directors may award contract.

When it is determined to let the work relating to the improvements for which a conservancy district was established by contract, contracts in amounts to exceed one thousand dollars shall be advertised after notice calling for bids has been published once a week for five consecutive weeks completed on date of last publication, in at least one newspaper of general circulation within the conservancy district where the work is to be done * * * In case of sudden emergency when it is necessary in order to protect the district, the advertising of contracts may be waived upon the consent of the board, with the approval of the court or a judge of the court of common pleas of the county in which the office of the district is located.

6101.19—Board of directors may make and enforce rules and regulations; noncompliance.

(A) The board of directors of a conservancy district may make and enforce such rules and regulations as it deems necessary and advisable: * * * *

(5) To prohibit or regulate the discharge into the sewers of the district of any liquid or solid wastes deemed detrimental to the works and improvements of the district.

Such rules and regulations shall not be inconsistent with the laws of the state or the rules and regulations or requirements of the department of health, and shall be published in the manner provided by section 6101.01 of the Revised Code before taking effect * * * *

6101.24—Water rights and uses; power to make regulations and determine rates; determination of basis for assessment of benefits.

* * * * The board [of directors of a conservancy district] may determine the rates of compensation for the greater, better, or more convenient use of, or benefit from, the waters of the district and for the sale of water made available by the works and improvements built or acquired by the district for the purpose of water supply, which rates shall be reasonable, and it may require bond to be given to secure the payment for such use. Upon the determination of any rate, the board shall make a report of its determination to the court. The court shall thereupon cause notice by summons or publication to be given to the parties interested, stating that such a determination of rate has been made, that a hearing before the court will be had thereon on a certain day, and that objection may be made at such time to such determination of rates * * * *

6101.30—Notice of hearing on land excluded from or taken into district.

If the report of the board of appraisers of a conservancy district includes recommendations that other lands and public corporations be included in the district, or that certain lands and public corporations be excluded from the district, the clerk of the court before which the proceeding is pending shall give notice to the owners of such property and public corporations by publication to be made as provided in section 6101.01 to 6101.84, inclusive, of the Revised Code, for a hearing on the petition for the creation of the district. Such notice to these owners whose lands are or the public corporations to be added to the district may be substantially as shown in the schedule in section 6101.84 of the Revised Code. The time and place of the hearing may be the

same as those of hearing on appraisals. To the owners of property and public corporations to be excluded from the district it will be sufficient to notify them of that fact.

6101.32—Notice of hearing on appraisals.

Upon the filing of the report of the board of appraisers of a conservancy district under section 6101.31 of the Revised Code, the clerk of the court shall give notice thereof, as provided in section 6101.01 to 6101.84, inclusive, of the Revised Code, in each county in the district. Said notice shall be substantially as set forth in division (F) of section 6101.84 of the Revised Code. It is not necessary for said clerk to name the parties interested.

It is not necessary to describe separate lots or tracts of land in giving said notice, but it is sufficient to give such descriptions as will enable the owner to determine whether or not his land is covered by such description. For instance, it is sufficient to state "All land lying in the ..... ward of the city of .....," or "All land abutting on ..... street in the city of .....," or "All land lying west of ..... river and east of ..... railroad in ..... township," or any other general description pointing out the lands involved.

Where lands in different counties are mentioned in said report, it is not necessary to publish a description of all the lands in the district in each county, but only of that part of said lands located in the county in which publication is made.

6101.33—Hearing on appraisals; filing exceptions.

* * * * If the appraisal record as a whole is referred back to the board, the court shall not resume the hearing thereof without new notice, as for an original hearing thereon. The court may, without losing jurisdiction over the appraisal record, order the board to recast the appraisal record when the order of the court specifies the precise character of the changes thereof.

6101.39—Change of official plan.

The board of directors of a conservancy district may at any time * * * alter or add to the official plan. When such alterations or additions are formally approved by the board and by the court, and are filed with the secretary of the conservancy district, they shall become part of the official plan for all purposes of sections 6101.01 to 6101.84, inclusive, of the Revised Code * * * In case the proposed alterations or additions materially modify the general character of the work or materially modify the resulting damages or materially reduce the benefits, for which the board is not able to make amicable settlement, or materially increase the benefits in such a manner as to require a new appraisal, or increase the cost more than ten per cent, the court shall direct the board of appraisers of the conservancy district, which may be the original board, or a new board appointed by the court on petition of the board of directors or otherwise, to appraise the property to be taken, benefited, or damaged by the proposed alterations or additions.

Upon the completion of the report by the board of appraisers, notice shall be given and a hearing had on its report in the same manner as in the case of the original report of the board of appraisers, and the same right of appeal to a jury exists. Where few landowners are affected, the clerk of the court may, on order of the court, if found to be more economical and convenient, give personal notice of the pendency of the report of said board of appraisers, instead of notice by publication * * * This section applies to all changes in appraisals under sections 6101.01 to 6101.84, inclusive, of the Revised Code.

6101.42—Subsequent appraisals.

* * * * Proceedings outlined in sections 6101.01 to 6101.84, inclusive, of the Revised Code, for appraising lands not at first included within the boundaries

of the district shall in all matters be conformed with including notice to the parties, or the board of directors may make any suitable settlement with such person or public corporation for such use, benefit, damage, or property taken.

6101.43—Proceedings not invalid except when defect results in denial of justice.

No fault in any notice or other proceedings shall affect the validity of any proceeding under section 6101.01 to 6101.84, inclusive, of the Revised Code, except to the extent to which it can be shown that such fault resulted in a material denial of justice to the property owner complaining of such fault * * * *

6101.49—Payment of assessments.

When the conservancy assessment record is placed on file in the office of the conservancy district, notice by publication shall be given to property owners and public corporations assessed that they may pay their assessments * * * *

6101.50—Board of directors may issue anticipatory bonds.

* * * * All bonds shall be sold to the highest bidder, after being advertised once a week for three consecutive weeks and on the same day of the week, the first advertisement being published at least twenty-one full days before the date of sale, in a newspaper having general circulation in the county wherein the office of the district is located. The advertisement shall state the amount of bonds to be sold, how long they are to run, the rate of interest to be paid thereon, the dates of payment of interest, the purpose of the issue, and the day, hour, and place where bids will be received. An advertisement may also be published in recognized financial journals * * * *

The board shall accept the highest bid, or if bids are received based upon a different rate of interest than specified in the advertisement, the board shall accept the highest bid resulting in the lowest net interest cost to the district, presented by a responsible bidder * * * When bonds have been once advertised and offered at public sale, as provided by law, and they or any part thereof remain unsold for want of bidders, those unsold may be sold at private sale at not less than their par value and accrued interest thereon bearing not to exceed the rate of interest provided in the bonding resolution of the board * * * *

6101.54—Petition for readjustment of appraisal of benefits; hearing.

Whenever the owners or representatives of twenty-five per cent or more of the acreage or value of the lands in a conservancy district file a petition with the clerk of the court having jurisdiction in the original case, stating that there has been a material change in the values of the property in the district since the last previous appraisal of benefits, and praying for a readjustment of the appraisal of benefits for the purpose of making a more equitable basis for the levy of the maintenance assessment under section 6101.53 of the Revised Code, the clerk shall give notice of the filing and hearing of said petition by publication in the manner provided in division (A) of section 6101.01 of the Revised Code * * * *

6101.70—Procedure for union of district.

If two or more conservancy districts have been organized in a territory which, in the opinion of the board of directors of the conservancy district of either of the districts, should constitute only one district, the board of any one of the districts may petition the court for an order uniting said districts into a single district * * * Upon receipt of said petition, the clerk of the court of common pleas shall give notice by publication or by personal service to the boards of the districts which it is desired to unite with the district of the petitioners. Such notice shall contain the time and place where the hearing of the petition will be had and the purpose of the same * * * *

6101.72—Annexation of other improvements into a conservancy district.

Any territory in which a proceeding has been instituted or is pending for the construction of a single or joint or interstate county ditch, or township ditch, or underground drain, or levee, or county sewer, or for the cleaning of drains and watercourses, or for the removal of drift, or for the drainage of marshes, or for any sewer district outside of a municipal corporation, organized under any other law of this state, may become a conservancy district or subdistrict under sections 6101.01 to 6101.84, inclusive, of the Revised Code, or may be absorbed in or amalgamated with any conservancy district in the following manner:

When the officials in charge of any such improvement or the board of directors of any conservancy district which desires to annex or absorb such territory petitions the court in which such conservancy district was organized, or the court having jurisdiction over all or part of the territory affected by the proceeding which is desired to bring under such sections, for an order making the territory affected by any of the improvements above noted a conservancy district or subdistrict under such sections, or for amalgamating such territory with an existing conservancy district, the clerk of the court shall give notice of the pendency of said petition and of a hearing thereon in the same manner as provided for notice and hearing on a petition for the organization of a conservancy district * * * *

6101.78—Correction of faulty notice.

In any case where a notice is provided for in sections 6101.01 to 6101.84, inclusive, of the Revised Code, if the court finds for any reason that due notice was not given, the court shall not thereby lose jurisdiction, and the proceeding in question shall not thereby be void; but the court shall in that case order due notice to be given, and shall continue the hearing until such time as such notice is properly given, and thereupon shall proceed as though notice had been properly given in the first instance.

In case any individual appraisal, assessment, or levy is held void for want of legal notice, or in case the board of directors of the conservancy district determines that any notice with reference to any land is faulty, then the board may file a motion in the original cause asking that the court order notice to be given to the owner of such land and set a time for hearing as provided in such sections. If the original notice as a whole was sufficient and was faulty only with reference to publication as to certain tracts, only the owners of and persons interested in those particular tracts need be notified by such subsequent notice. If the publication of any notice in any county was defective or not made in time, re-publication of the defective notice is necessary only in the county in which the defect occurred.

6101.84—Suggested forms.

The following forms illustrate the character of the procedure contemplated by section 6101.01 to 6101.84, inclusive, of the Revised Code, and if substantially complied with, those things being changed which should be changed to meet the requirements of the particular case, such procedure shall be held to meet the requirements of such sections.

(A) Form of Notice of Hearing on the Petition:

To All Persons and Public Corporations Interested.

Public Notice is Hereby Given:

(1) That on the ..... day of ....., 19...., pursuant to The Conservancy Law of Ohio, there was filed in the office of the Clerk of the Court of Common Pleas of ..... County, Ohio, the petition of ..... and others for the establishment of a Conservancy District to be known as ..... Conservancy District.

(Here insert the purposes.)

(2) That the lands sought to be included in said District comprise lands in ..... and Counties, Ohio, described substantially as follows:

Beginning on the north line of ..... County at its point of intersection with the west bank of the ..... River; thence west along the north line of ..... County to the high bluffs facing said ..... River on the west; thence following the base of the line of said bluffs to the north line of the right of way of the ..... Railroad; thence west along the north right of way line of said Railroad to the center line of ..... Avenue in the Village of .....; thence south along the center line of ..... Avenue to the ..... Pike; thence southeasterly along the ..... Pike to the southeasterly line of the right of way of the ..... Railroad; thence southeasterly along said right of way line to the corporate limits of the City of .....; thence with said corporation line southerly, easterly and northerly to the southerly right of way line of the main track of the ..... Railroad; thence easterly along said last named right of way line to the boundary line between ..... Counties; thence north along said County line to the southerly line of ..... County; thence easterly along the dividing line between ..... Counties to the easterly line of the right of way to the ..... Railroad; thence northerly along said right of way line to its intersection with the ..... Pike; thence westerly along said Pike to the center line of the bridge over ..... Creek; thence up said Creek and along the center line thereof to the north line of ..... County; thence west to the place of beginning.

Or, if found more convenient, the lands sought to be included in the District may be described as follows:

All of Township ..... in Range ..... between the ..... Railroad and the ..... River; the following lands in ..... Township and ..... Range; Section ..... and the ..... half of Section .....; also all lands within the corporate limits of the City of ....., etc.

(3) That a public hearing on said petition will be had in said Court on ..... the ..... day of ....., at the hour of..... o'clock .... M. by the court of Common Pleas of ..... County, at the Courthouse in the City of ..... County, Ohio.

All persons and public corporations interested will be given the opportunity to be heard at the time and place above specified.

.....
Clerk of the Court of
Common Pleas of.....
County, Ohio.

Dated ....., Ohio, ..., 19....

* * * *

(C) Form of Notice to Persons and Public Corporations to pay Assessment:

To All Persons and Public Corporations Interested:

Public Notice Is Hereby Given:

(1) That on the ..... day of ....., 19...., the Board of Directors of The ..... Conservancy District duly levied an assessment upon all the benefited property and public corporations in said District in the aggregate sum of $....., has caused the same to be recorded upon the Assessment Record of said District, and that said Assessment Record is now on file in the office of the District at .....

(2) That the assessment against any parcel of land or any public corporation may be paid to the Treasurer of The ..... District at any time on or prior to ....., 19...., without costs and without interest, and if so paid a discount of ten per cent of the assessment will be allowed according to law.

(3) That as soon after the ..... day of ....., 19...., as conveniently may be, the Board of Directors of said District will divide the uncollected assessment into convenient installments, provide for the collection of interest on the unpaid installments, and will issue bonds bearing interest not exceeding six per cent per annum in anticipation of the collection of the several installments of said assessment pursuant to the Conservancy Law of Ohio.

.....
President.

.....
Secretary.

* * * *

NOTICE OF ENLARGEMENT OF DISTRICT

To all persons (and Public Corporations, if any) Interested:
Public Notice Is Hereby Given:

(1) That heretofore on the ..... day of ....., 19...., the Court of Common Pleas of ..... County, Ohio, duly entered a final decree erecting and creating ..... Conservancy District and appointing a Board of Directors therefor.

(2) That thereafter this Court duly appointed
.....
.....
.....
to be the Board of Appraisers for said District. That said Board of Appraisers on the ..... day of ....., 19...., filed its report recommending that the following described lands, not originally included in the District, be added thereto:

(Here describe generally the lands which the Report of the Board of Appraisers Recommends should be added to the District.)

(3) That on ....., the ..... day of ....., 19...., (or as soon thereafter as the convenience of the Court will permit), at the Courthouse in ..... of ..... Ohio, the Court of Common Pleas of ..... County, Ohio, will hear all persons and public corporations interested upon the question whether said lands should be added to and included in said ..... Conservancy District.

.....
Clerk of the Court of
Common Pleas of.....
County, Ohio.

(F) Form of Notice of Hearing on Appraisals:

State of Ohio,)
) ss
County of .....)

In the Court of Common Pleas,
..... County, Ohio.

In the Matter of)
)
..... Conservancy District)

NOTICE OF HEARING ON APPRAISALS

To All Persons and Public Corporations Interested:
Public Notice is Hereby Given:

(1) That heretofore on the ..... day of.....19....., the Court of Common Pleas of ..... County, Ohio, duly entered a decree erecting and creating ..... Conservancy District and appointing a Board of Directors therefor.

(2) That thereafter this Court duly appointed
.....
.....
.....
the Board of Appraisers for said District. That said Board of Appraisers on the ..... day of ..... 19 ...., filed its Appraisals of Benefits and Damages and of land to be taken as follows: (Here insert general description of land appraised.)

The said appraisal of benefits and damages and of land to be taken is now on file in the office of the clerk of this court.

(3) All public corporations and all persons, owners of or interested in the property described in said Report, whether as benefited property or as property taken and damages (whether said taken or damaged property lies within or without said District), desiring to contest the appraisals as made and returned by the Board of Appraisers, must file their objections in said court on or before the ..... day of ..... 19...., (here insert a date ten days after the last publication of the notice) and a hearing on said appraisal will be had on the ..... day of ..... 19...., (here insert a date not less than twenty, nor more than thirty, days after the date of the last publication of this notice, as fixed by the court) in the City of ....., Ohio, at which time an opportunity will be afforded all objectors to be heard upon their several objections.

.....
Clerk of the Court of
Common Pleas of.....
County, Ohio.

Dated at the City of ....., Ohio, this ..... day of ..... 19...

* * * *

CHAPTER 6103: COUNTY WATER SUPPLY SYSTEMS

6103.05—Plan of water supply.

After the establishment of any sewer district the board of county commissioners may have prepared by the county sanitary engineer a general plan of water supply and water works for such district as complete as can be made at that time * * * *

After approval of the detailed plans, specifications, estimates of cost, and tentative assessment, the board shall adopt a resolution declaring that such improvement * * * is necessary for the preservation and promotion of public health and welfare and to provide fire protection, designating the character of the materials to be used, referring to the plans, specifications, estimates of cost, and tentative assessment, stating the place where they are on file and may be examined, the estimated cost of the maintenance of such improvement for one year, what part of the cost will be paid by the county at large, and what part will be specially assessed against the benefited property within the district. Such resolution shall also contain a description of the boundaries of that part of the district to be assessed, and shall designate a time and place, to be fixed by the board, when and where objections to the improvement, to the tentative assessment, or to the boundaries of the assessment district will be heard by the board. The date of such hearing shall be not less than twenty-four days after the date of the first publication of such resolution.

The board shall cause such resolution to be published once a week for two consecutive weeks in a newspaper of general circulation within the county, and on or before the date of the second publication it shall send by mail a notice of the time and place of such hearing to every owner of property to be

assessed for such improvement whose address is known, and such notice shall state that the property of the addressee will be assessed for such improvement * * * *

6103.06—Proceedings.

After the expiration of the period of five days provided in section 6103.05 of the Revised Code for the filing of written objections, the board of county commissioners shall determine whether it will proceed with the construction of the proposed improvement. If it decides to proceed therewith, the board shall ratify or amend the plans for the improvement * * * If the boundaries of the assessment district are amended so as to include any property not included within the boundaries as established by the resolution of necessity, provided for in section 6103.05 of the Revised Code, the owners of all such property shall be notified by mail if their addresses are known, and notice shall be published once a week for two consecutive weeks in a newspaper of general circulation within the county, that such amendments have been adopted and that a hearing will be given by the board at a time and place stated in such notice at which all persons interested will be heard by the board. The date of such hearing shall be not less than twenty-four days after the first publication of such notice, and the hearing shall be conducted and records kept in the same manner as the first hearing * * * * If the boundaries of the assessment district are amended so as to include any property not included in the assessment district as originally established or previously amended, further notice and hearing shall be given to the owners of such property in the same manner as for the first amendment of such boundaries, and the same procedure shall be repeated until all property owners affected have been given an opportunity to be heard. If the owners of all property added to an assessment district by amendment of the original boundaries thereof waive objection to such amendment in writing, no further notice or hearing shall be given * * * *

6103.10—Contract for construction; modification.

After the issuance and sale of bonds or certificates of indebtedness, as provided in sections 6103.02 to 6103.30, inclusive, of the Revised Code, the board of county commissioners shall enter into a written contract with the lowest and best bidder for the construction of the improvement, after advertising for sealed proposals for such construction not less than two nor more than four consecutive weeks in a newspaper published and of general circulation within the county * * * *

6103.15—Revised estimate.

The county sanitary engineer, upon the completion of any improvement under sections 6103.02 to 6103.30, inclusive, of the Revised Code, shall prepare and present to the board of county commissioners, a revised assessment based on the tentative assessment previously ratified by the board for such improvement or if such tentative assessment has been revised by order of court, on such revised tentative assessment, the assessment levied on each piece of property being modified in substantially the same proportion as the actual cost of the work, including incidental costs, bears to the estimated cost on which such tentative assessment was based. No notice of such revised assessment shall be given unless such actual cost exceed the estimated cost. If the actual cost exceeds the estimated cost, notice shall be given all property owners within the assessment district and shall be published as provided by section 6103.06 of the Revised Code for amendments of the tentative assessment and any property owners may appeal as provided for in case of tentative assessments * * * *

6103.20—Contract to supply water outside district.

At any time after the formation of any sewer district, the board of county commissioners, when deemed expedient, on application by a corporation, individual, or public institution outside of any district, may contract with such corporation, individual, or public institution for supplying water to their premises on such terms as are equitable, but the amount to be paid shall not be less than the original assessment for similar property within the district. Such board in any such case shall appropriate any moneys received for such service to and for the use and benefit of such district. When the board deems it necessary to contract with a corporation, individual, or public institution outside of any district for supplying water to their premises from water supply lines constructed or to be constructed to serve such district, it shall so determine by resolution and may collect said amount in cash, or the same may be assessed against said lots or parcels of land, and the manner of making such assessment, together with the notice thereof, shall be the same as provided in sections 6103.02 to 6103.30, inclusive, of the Revised Code, for the original assessment * * * *

CHAPTER 6115: SANITARY DISTRICTS

6115.07—Notice of hearing on petition; jurisdiction of court.

Immediately after the filing of the petition provided for in section 6115.05 of the Revised Code, the clerk of the court with whom such petition is filed shall give notice by publication, in accordance with the suggested form in division (A) of section 6115.79 of the Revised Code, of the pendency of the petition and of the time and place of the hearing thereon. Such clerk shall cause notices to be served personally upon the clerk of each political subdivision within the proposed district * * * *

6115.16—Official plan for district improvements; hearing; approval.

Upon its qualification, the board of directors of a sanitary district shall prepare a plan for the improvement for which the district was created * * * *

Upon the approval of such plan by the department, the board shall cause notice by publication to be given in each county of said district of the completion of said plan, and shall permit the inspection of such plan at its office by all persons interested. Said notice shall fix the time and place for the hearing of all objections to said plan which shall be not less than twenty nor more than thirty days after the last publication of said notice * * * *

6115.20—Board of directors may award contract.

When it is determined to let the work relating to the improvements for which a sanitary district was established by contract, contracts in amounts to exceed ten thousand dollars shall be advertised after notice calling for bids has been published once a week for five consecutive weeks completed on date of last publication, in at least one newspaper of general circulation within the sanitary district where the work is to be done * * * *

6115.32—Notice of hearing on land excluded from or taken into district.

If the report of the board of appraisers of a sanitary district includes recommendations that other lands be included in the district, or that certain lands be excluded from the district, the clerk of the court before which the proceeding is pending shall give notice to the owners of such property by publication to be made as provided for a hearing on the petition for the creation of the district. Such notice to those owners whose lands are to be added to the district may be substantially as shown in division (E) of section

6115.79 of the Revised Code. The time and place of the hearing may be the same as those of the hearing on appraisals. To the owners of property to be excluded from the district it will be sufficient to notify them of the fact.

6115.34—Notice of hearing on appraisals.

Upon the filing of the report of the board of appraisers of a sanitary district under section 6115.33 of the Revised Code, the clerk of the court shall give notice thereof, as provided in sections 6115.01 to 6115.79, inclusive, of the Revised Code, in each county in the district. Said notice shall be substantially as set forth in division (F) of section 6115.79 of the Revised Code. It is not necessary for said clerk to name the parties interested.

It is not necessary to describe separate lots or tracts of land in giving said notice, but it is sufficient to give such descriptions as will enable the owner to determine whether or not his land is covered by such description. For instance, it is sufficient to state "All land lying in the..... ward of the city of.....," or "All land abutting on..... street in the city of.....," or "All and lying west of..... river and east of ..... railroad in..... township," or any other general description pointing out the lands involved.

Where lands in different counties are mentioned in said report, it is not necessary to publish a description of all the lands in the district in each county, but only of that part of said lands located in the county in which publication is made.

6115.35—Hearing on appraisals; filing exceptions.

Any property owner may accept the appraisals in his favor of benefits and of damages and of lands to be taken made by the board of appraisers of a sanitary district, or may acquiesce in the board's failure to appraise damages in his favor, and shall be construed to have done so unless within ten days after the last publication provided for in section 6115.34 of the Revised Code he files exceptions to said report or to any appraisal of either benefits or damages or of land to be taken which may be appropriated. All exceptions shall be heard by the court beginning not less than twenty nor more than thirty days after the last publication provided for in such section, and determined in advance of other business so as to carry out, liberally, the purposes and needs of the district. The court may, if it deems necessary, return the report to the board for its further consideration and amendment, and enter its order to that effect. If the appraisal roll as a whole is referred back to the board, the court shall not resume the hearing thereof without new notice, as for an original hearing thereon. The court may, without losing jurisdiction over the roll, order the board to recast the roll when the order of the court specifies the precise character of the changes thereof.

6115.54—Petition for readjustment of appraisal of benefits; hearing.

Whenever the owners or representatives of twenty-five per cent or more of the acreage or value of the lands in a sanitary district file a petition with the clerk of the court in whose office the petition was filed, stating that there has been a material change in the values of the property in the district since the last previous appraisal of benefits, and praying for a readjustment of the appraisal of benefits for the purpose of making a more equitable basis for the levy of the maintenance assessment under section 6115.53 of the Revised Code, the clerk shall give notice of the filing and hearing of said petition by publication in the manner provided in division (A) of section 6115.01 of the Revised Code * * * *

6115.74—Correction of faulty notice.

In any case where a notice is provided for in section 6115.01 to 6115.79, inclusive, of the Revised Code, if the court finds for any reason that due notice

was not given, the court shall not thereby lose jurisdiction, and the proceeding in question shall not thereby be void; but the court shall in that case order due notice to be given, and shall continue the hearing until such time as such notice is properly given, and thereupon shall proceed as though notice had been properly given in the first instance.

In case any individual appraisal, assessment, or levy is held void for want of legal notice, or in case the board of directors of the sanitary district determines that any notice with reference to any land is faulty, then the board may file a motion in the original cause asking that the court order notice to be given to the owner of such land and set a time for hearing as provided in such sections. If the original notice as a whole was sufficient and was faulty only with reference to publication as to certain tracts, only the owners of and persons interested in those particular tracts need be notified by such subsequent notice. If the publication of any notice in any county was defective or not made in time, publication of the defective notice is necessary only in the county in which the defect occurred.

6115.79.—Suggested forms.

The following forms illustrate the character of the procedure contemplated by sections 6115.01 to 6115.79, inclusive, of the Revised Code, and if substantially complied with, those things being changes which should be changed to meet the requirements of the particlar case, such procedure shall be held to meet the requirements of such sections.

(A) Form of Notice of Hearing on the Petition:

To All Persons Interested:

Public Notice is Hereby Given:

(1) That on the.....day of....., 19...., there was filed in the office of the Clerk of Court of Common Peas of.....County, Ohio, the petition of.....and others for the establishment of a Sanitary District. (Here insert the purposes.)

(2) That the lands sought to be included in said District comprise lands in.....and.....Counties, Ohio, described substantially as follows:

Beginning on the north line of.....County at its point of intersection with the west bank of the.....River, thence west along the north line of.....County to the high bluffs facing said..... River on the west; thence following the base of the line of said bluffs to the north line of the right of way of the.....Railroad; thence west along the north right of way line of said Railroad to the center line of.....Avenue in the Village of.....; thence southeasterly along the..... Pike to the southeasterly line of the right of way of the.....Railroad; thence southeasterly along said right of way line to the corporate limits of the City of.....; thence with said corporation line southerly, easterly, and northerly to the southerly right of way line of the main track of the..... Railroad; thence easterly along said last named right of way line to the boundary line between.....Counties; thence north along said County line to the southerly line of.....County; thence easterly along the dividing line between.....Counties to the easterly line of the right of way of the.....Railroad; thence northerly along said right of way line to its intersection with the.....Pike; thence westerly along said Pike to the center line of the bridge over.....Creek; thence up said Creek and along the center line thereof to the north line of.....County; thence west to the place of beginning.

Or, if found more convenient, the lands sought to be included in the District may be described as follows:

All of Township.....in Range.....between the..... Railroad and the.....River; the following lands in.....Town-

ship and.....Range; Section.....and the.....half of Section.....; also all lands within the corporate limits of the city of ....., etc.

(3) That a public hearing on said petition will be had in said Court on .....the.....day of.....at the hour of..... o'clock .....M. by the Court of Common Pleas of.....County, at the Courthouse in the City of.....County, Ohio.

All persons and public corporations owning or interested in real estate within the territory hereinbefore described will be given the opportunity to be heard at the time and place above specified.

.....
Clerk of the Court of
Common Pleas.....
County, Ohio.

Dated.....Ohio,.....19.....

* * *

(C) Form of Notice to Property Owners to Pay Assessment:

.....Sanitary District.

To All Persons Interested:

Public Notice is Hereby Given:

(1) That on the.....day of.....19...., the Board of Directors of.....Sanitary District duly levied for the account of the Bond Fund of said District an assessment upon all the property in said District in the aggregate sum of $....., has caused the same to be extended upon the assessment duplicate of said District, and that said assessment duplicate is now in process of collection by the County Treasurer of the County in which the lands are situated.

(2) That the entire assessment against any parcel of land may be paid at any time on or prior to.....19...., without costs and without interest.

(3) That as soon after the.....day of.....19...., as conveniently may be, the Board of Directors of said District will divide the uncollected portion of said assessment into convenient installments and will issue bonds bearing interest not exceeding six per cent per annum in anticipation of the collection of the several installments of said assessment, pursuant to the Sanitary District Law of Ohio.

.....
President.
.....
Secretary.

NOTICE OF ENLARGEMENT OF DISTRICT

To All Persons (and Public Corporations, if any) Interested:

Public Notice is Hereby Given:

(1) That heretofore on the.....day of.....19...., the Court of Common Pleas of.....County, Ohio, duly entered a final decree erecting and creating.....Sanitary District and appointing a Board of Directors therefor.

(2) That thereafter this Court duly appointed

.....
.....
.....

to be the Board of Appraisers for said District.

That said Board of Appraisers on the.....day of.....19...., filed its report recommending that the following described lands, not originally

included in the District be added thereto: (Here describe generally the lands which the Report of the Board of Appraisers recommends should be added to the District.)

(3) That on....., the.....day of.....19...., or as soon thereafter as the convenience of the Court will permit, at the Courthouse in.....of....., Ohio, the Court of Common Pleas of..... County, Ohio, will hear all persons and public corporations, who are owners of or interested in the property described in this notice upon the question whether said lands should be added to and included in said..... Sanitary District.

.....
Clerk of the Court of
Common Pleas of.....
County, Ohio.

(F) Form of Notice of Hearing on Appraisals:

State of Ohio,)
) ss
County of.....)

In the Court of Common Pleas
.....County, Ohio

In the matter of
"....."
Sanitary District

NOTICE OF HEARING ON APPRAISALS

To All Persons and Public Corporations Interested:

Public Notice is Hereby Given:

(1) That heretofore on the.....day of.....19...., the Court of Common Pleas of.....County, Ohio, duly entered a decree erecting and creating.....Sanitary District and appointing a Board of Directors therefor.

(2) That thereafter this Court duly appointed

.....
.....
.....

the Board of Appraisers for said District. That said Board of Appraisers on the.....day of....., 19...., filed its Appraisal of Benefits and Damages and of land to be taken as follows: (Here insert general description of land appraised.)

The said appraisal of benefits and damages and of land to be taken is now on file in the office of the clerk of this court.

(3) All public corporations and all persons, owners of or interested in the property described in said Report, whether as benefited property or as property taken and damaged (whether said taken or damaged property lies within or without said District), desiring to contest the appraisals as made and returned by the Board of Appraisers, must file their objections in said court on or before the.....day of....., 19...., (here insert a date ten (10) days after the last publication of the notice) and a hearing on said appraisal will be had on the.....day of.....19...., (here insert a date not less than twenty (20) nor more than thirty (30), days after the date of the last publication of this notice, as fixed by the court) in the City of .....Ohio, at which time an opportunity will be afforded all objectors to be heard upon their several objections.

Clerk of the Court of Common Pleas
of.....County, Ohio.

Dated at the City of....., Ohio, this.....day of....., 19.....

(G) Form of Certificate of Levy of Assessments:

State of Ohio,)
) ss
County of.....)

To the Auditor of.....County, Ohio:

This is to certify that by virtue and under the authority of the Sanitary District Law of Ohio, the Board of Directors of.....Sanitary District have and do hereby levy the sum of.....Dollars for the account of the Bond Fund of said District, which said assessment bears interest as provided by law and is payable in installments as follows: (Here insert.)

You are further notified that for the account of the Maintenance Fund for the year 19...., this Board has levied the sum of.....Dollars.

The amounts of the said levies upon the several parcels of land upon which the same are imposed are set forth upon the schedule hereunto attached, marked.....Sanitary District Assessment Book. The said assessments shall be collectible and payable the present year in the sums therein specified at the same time that the state and county taxes are due and collectible, and you are directed and ordered to require the Treasurer of.....County, Ohio, to demand and collect such assessments at the time that he demands and collects the state and county taxes due on the same lands, and this Sanitary District Assessment Book shall be your authority and the authority of the Treasurer to make such collection.

Witness the signature of the President of said Board of Directors, attested by the seal of said corporation, and the signature of its Secretary, this .....day....., 19.....

.....
President.

.....
Secretary.

CHAPTER 6117: SEWER DISTRICTS; COUNTY SEWERS

6117.06—Plan of sewerage.

After the establishment of any sewer district the board of county commissioners shall have prepared by the county sanitary engineer a general plan of sewerage and sewage disposal for such district, as complete as can be made at that time * * * * After approval of the detailed plans, specifications, estimates of cost, and tentative assessment, the board shall adopt a resolution declaring that such improvement, describing the same and the location, route, and termini thereof, is necessary for the preservation and promotion of public health and welfare, designating the character of the materials to be used, referring to the plans, specifications, estimates of cost, and tentative assessments, stating the place where they are on file and may be examined, the estimated cost of the maintenance of such improvement for one year, and what part of the cost will be paid by the county at large and what part will be specially assessed against the benefited property within the district. Such resolution shall also contain a description of the boundaries of that part of the district to be assessed, and shall designate a time and place, to be fixed by the board, when and where objections to the improvement, to the tentative assessment, or to the boundaries of the assessment district will be heard by the board. The date of such hearing shall be not less than twenty-four days after the date of the first publication of such resolution. The board shall publish such resolution once a week for two consecutive weeks in a newspaper of general circulation within the county, and on or before the date of the second publication shall send by mail a notice of the time and place of such hearing to every owner of property to be assessed for such improvement whose address is known, which notice shall state that the property of the addressee will be assessed for such improvement * * * *

6117.07—Proceeding with construction; resolution.

* * * * If the boundaries of the assessment district are amended so as to include any property not included within the boundaries as established by the resolution of necessity provided for in section 6117.06 of the Revised Code, the owners of all such property shall be notified by mail if their addresses are known, and notice shall be published once a week for two consecutive weeks in a newspaper of general circulation within the county that such amendments have been adopted and that a hearing will be given by the board at a time and place stated in such notice, at which all persons interested will be heard by the board. The date of such hearing shall be not less than twenty-four days after the first publication of such notice, and the hearing shall be conducted and records kept in the same manner as the first hearing * * * *

6117.15—Fixing day of trial; publication of notice.

If the probate judge finds that an appeal under sections 6117.09 to 6117.24, inclusive, of the Revised Code, has been properly perfected, and that the proceedings are substantially regular, he shall fix a day not more than twenty days thereafter for the trial of the case, and shall publish at least twice in a newspaper of general circulation within the county a notice that such appeal has been made and stating the time and place of such trial. The first publication shall be at least fifteen days before such trial, and the second publication shall be at least eight days before such trial * * * *

6117.17—Findings of court.

* * * * If the court finds that the cost of the improvement will exceed the benefit resulting therefrom, it shall declare that the improvement is not necessary for the public health, convenience, or welfare. No property shall be added to the assessment district until the owners thereof have been given an opportunity to be heard by the court * * * * If such owners are not residents of the county, or if in any case it appears by the return of the notice that such owner cannot be found, the notice shall be published at least twice in a newspaper of general circulation within the county, and the date of such hearing shall be at least one week after service of notice or of the second publication of such notice * * * *

6117.27—Contract for construction; modifications.

After the issuance and sale of bonds or certificates of indebtedness, as provided in sections 6117.01 to 6117.45, inclusive, of the Revised Code, the board of county commissioners shall enter into a written contract with the lowest and best bidder for the construction of the improvement, after advertising for sealed proposals for such construction not less than two nor more than four consecutive weeks in a newspaper published and of general circulation within the county * * * * Each bid shall contain the full name of each person or company interested in the same, and shall be accompanied by a bond or certified check on some solvent bank within the county, conditioned that if the bid is accepted a contract will be entered into and its performance properly secured, as shall be stated in the advertisements and proposals * * * *

6117.28—Landowners may petition.

Whenever the owners of all the lots and lands to be benefited by, and to be assessed for, any sewer improvement or sewage treatment works, provided for in sections 6117.01 to 6117.45, inclusive, of the Revised Code, by petition in writing, request the board of county commissioners to provide for the construction, maintenance, and operation of any such improvements, describing the improvements desired and the lots and lands owned by them respectively to be assessed to pay the cost and maintenance of such improvements, and consenting that their said lots and lands may be assessed to pay the cost of such improvements and of maintenance and operation as provided in such

sections, and waive notice and the publication of all resolutions and legal notices provided for in such sections, the board shall prepare the necessary plans, specifications, and estimates of cost of construction, maintenance, and operation thereof, and a tentative assessment. When all the owners of the lots and lands to be benefited by and assessed for the proposed improvements state in writing that they have examined the estimated cost and tentative assessment as made by the county sanitary engineer, that they have no objection thereto, and that in case bonds are sold prior to the construction of the improvements they waive their right of option to pay the assessments in cash, then the board shall proceed as provided in such sections, to cause such improvements to be constructed and provision to be made for the payment of the cost of construction, maintenance, and operation in accordance with such sections, except that none of the notices or publications required by law need be made nor any opportunity be given for filing of objections to the improvement or to the assessment or, if bonds have been sold, for paying the assessments in cash. The board shall forthwith proceed to authorize and issue bonds or certificates of indebtedness and levy and collect the assessments authorized in sections 6117.01 to 6117.40, inclusive, of the Revised Code * * * *

6117.29—Cost shall include incidental expense.

The cost of any improvement provided for in sections 6117.01 to 6117.40, inclusive, of the Revised Code, and the cost of the maintenance and operation thereof shall include, in addition to the cost of construction, the cost of engineering, necessary publications, inspection, interest on certificates of indebtedness or on bonds, and all other items of cost incident to such improvement * * * *

6117.32—Revised assessment.

The county sanitary engineer, upon the completion of any improvement under sections 6117.01 to 6117.45, inclusive, of the Revised Code, shall prepare and present to the board of county commissioners a revised assessment, based on the tentative assessment previously ratified by the board * * * * No notice of such revised assessment shall be given unless such actual cost exceeds the estimated cost. If the actual cost exceeds the estimated cost, notice shall be given all property owners within the assessment district and shall be published as provided for amendments of the tentative assessment * * * *

CHAPTER 6119: REGIONAL WATER AND SEWER DISTRICTS

6119.04—Hearing on petition; procedure.

The court of common pleas constituted as provided in section 6119.03 of the Revised Code, at its first meeting, shall fix the time and place of a hearing on the petition for the establishment of the proposed regional water and sewer district. Such hearing shall be held not later than sixty days thereafter, and the clerk of the court of common pleas of the county in which the petition was filed shall give notice thereof by publication once each week for four consecutive weeks in a newspaper of general circulation in each of the counties, in whole or in part, within the district * * * *

6119.09—When action of board is effective; objections; hearing.

No action of the board of trustees of a regional water and sewer district in exercising the powers conferred on it in sections 6119.05, 6119.08, 6119.12, 6119.13, 6119.14, 6119.15, and in divisions (E), (F), (G), (K), and (L) of section 6119.06 of the Revised Code, shall be final and operative until thirty days after such action is taken by the board or, if objections are filed, such action is confirmed by the court of common pleas described in section 6119.03

of the Revised Code, and all such objections have been disposed of. The secretary of the board shall publish a summary of such action of the board once each week for two consecutive weeks in a newspaper of general circulation in each of the counties within the district * * * *

6119.10—Bids required; exception; contract.

The board of trustees of a regional water and sewer district or any officer or employee designated by such board may make any contract for the purchase of supplies or material or for labor for any work, under the supervision of the board, the cost of which shall not exceed one thousand dollars. When an expenditure, other than for the acquisition of real estate, the discharge of noncontractual claims, personal services, the joint use of facilities or the exercise of powers with other political subdivisions, or for the product of services of public utilities, exceeds one thousand dollars, such expenditure shall be made only after a notice calling for bids has been published once a week for three consecutive weeks in at least one newspaper of general circulation within the district * * * *

6119.25—Resolution of necessity; publication.

When the board of trustees of a regional water and sewer district deems it necessary to construct all or a part of the sewers provided for in the plan devised in accordance with section 6119.19 of the Revised Code, the board shall declare by resolution the necessity thereof. Such resolution shall contain a declaration of the necessity of such improvement, a statement of the districts, areas, or parts thereof proposed to be constructed, the character of the materials to be used, a reference to the plans and specifications, where they are on file, and the mode of payment therefor, and shall publish the resolution once a week for not less than two nor more than four consecutive weeks in one newspaper of general circulation in the area.

CHAPTER 6131: SINGLE COUNTY DITCHES

6131.07—Notice of filing the petition.

When the petition authorized by section 6131.04 of the Revised Code is filed with the county auditor, such auditor shall give notice to the board of county commissioners of the filing of such petition, together with a copy thereof. The board shall, by an order upon its journal, fix a time for the view thereon, not less than twenty-one nor more than thirty days after the date on which the board receives such notice from the auditor, at the upper terminus of the improvement, at ten a.m. on the date so fixed by the board. The board shall also fix a date, within two weeks thereafter, when it will hold its first hearing at its office. As soon as the dates for the view and first hearing have been fixed by the board, the auditor shall prepare and deliver to the petitioner a written notice, directed to the owners of land affected by the proposed improvement, which notice shall set forth the pendency, substance, and prayer of the petition * * * *

The auditor shall give a like notice to each landowner who is a nonresident of the county, and to each landowner who is not served personally or at his usual place of residence, by publication in two successive weekly issues of a newspaper printed and of general circulation in the county in which the petition is filed, but on the same day of the week if it is a daily paper, and the first publication shall be at least ten days before the day set for hearing. Copies of said notice shall be mailed by the auditor of said county to each owner of land whose address is known, who is not served personally or at his usual place of residence.

Proof of notice by publication shall be verified by affidavit of the printer or other person knowing the fact and filed with the auditor on or before the

day of the first hearing, and proof of the mailing of the copies to persons who are not served personally or at their usual place of residence, whose addresses are known, shall be made by the certificate of the auditor.

At the option of the petitioner, the notices provided for in this section may be prepared and mailed by the auditor in a five day return envelope addressed to each owner of land named in the petition whose mail address is given and notice shall be given by publication to each owner whose mailed notice is returned undelivered and to those whose addresses are unknown. The actual cost of preparing and mailing such notices shall be a part of the costs in such ditch proceeding.

6131.09—Applications for change or extension.

The county engineer may file at any time in the proceedings relating to an improvement a written application for a change of the route thereof. Any owner of land may file in said proceedings a written application for branches, laterals, or spurs, or for boxing or tiling any part of the improvement, or for a change of route or termini, or for any improvement that may be joined with that petitioned for, at any time before the first hearing is completed, without obtaining any leave to do so, and all of said applications shall be heard at the first hearing. If any owner of land who has not been notified of the proceedings for the improvement will be affected by the proposed changes, as contained in the applications so filed, then the hearing shall be continued for such time as is necessary to give notice to such owners not theretofore notified, and notice of such applications shall be given to such owners as provided in section 6131.07 of the Revised Code, provided that if waivers of notice are obtained from owners who will be affected by the proposed changes, the hearing shall proceed. Any owner of land may file such applications after the first hearing is completed and before the final order of the board of county commissioners approving the assessments and ordering the letting of the contract, upon first obtaining leave from the board to file such application, by an order entered on its journal. All said applications shall be heard at such time as the board orders. Notice of such applications shall be given to owners who will be affected by such change, as provided in sections 6131.01 to 6131.64, inclusive, of the Revised Code, but waivers of notice may be filed.

6131.16—Notice of filing of schedule.

Upon the filing with the county auditor of the reports and schedules by the county engineer as provided in section 6131.14 of the Revised Code, the board of county commissioners shall fix a date not less than twenty and not more than thirty days thereafter, when a hearing on said reports shall be had. Upon the fixing of such date, the auditor shall forthwith give notice by mail, in a stamped five-day return envelope, to all the owners whose names appear in the engineer's schedules of assessments. Said notice shall be mailed to each address as given in the petition, or to such address as the auditor learns to be the correct address. If the schedule of assessments filed by the engineer contains the names of landowners other than those mentioned in the petition, notices shall also be mailed to such landowners. If the residence of any person named in the schedule of assessments cannot be ascertained, or if any mailed notice is returned undelivered, the auditor shall publish such notice to all such persons in a newspaper of general circulation in the county, by publishing the same in two successive weekly issues thereof, but on the same day of the week if a daily paper, and the first publication shall be at least ten days before the date of hearing. Such notice shall notify the owners of the assessment on each tract of land owned by said owner, as estimated and described in said schedule, and shall notify the owners of the date of the final hearing by the board on the report of the engineer, and on the proceedings for the improvement, and shall notify the owners that all claims for compensation or damages must be filed with the auditor before that date. Said notice shall further state

that if bonds are to be issued, the owner must give notice within ten days after said final hearing of his intention to pay in cash and if he does not give such notice of his intention to pay in cash within ten days the installments will be payable with the interest added at the same rate that bonds bear interest. The auditor shall file a certificate showing the service of such notices as provided in this section.

6131.24—County engineer to let contract.

Upon the fixing of a day by the board of county commissioners, at the final hearing, for the letting of contracts for the construction of the improvement, the county engineer shall give at least two weeks' public notice of the time when and the place where bids will be received for furnishing any material for the improvement, or for the construction of the improvement, or any part thereof. Such notice shall indicate concisely the nature of the improvement, the location, and the character of the material and the work required. Such notice may be given by posting at the usual place of posting notices at the courthouse, unless the estimated cost of construction and material required in said improvement exceeds one thousand dollars, in which case advertisement shall also be made in two successive weekly issues of a newspaper printed and in general circulation in said county, or on the same day of the week, if in a daily paper, and the first publication shall be at least ten days prior to the letting of said contracts * * * *

6131.58—Fees.

The fees to be charged and collected for services required of any public officer under sections 6131.01 to 6131.64, inclusive, of the Revised Code, if not specifically otherwise designated, shall be the fees allowed for like services in that office. If he is an officer receiving a salary, then such fees collected shall be in a like manner accounted for. Publication of notices as required in such sections shall be paid at the legal rate provided for similar matter originating in the court of common pleas.

CHAPTER 6137: DITCH MAINTENANCE FUND

6137.03—Hearing on petition.

Before determining the assessment rate, as provided by section 6137.04 of the Revised Code, the board of county commissioners, or in case of a joint county ditch the joint board of county commissioners, shall set a day for hearing the petition, not less than three weeks from the date of its filing with the county auditor or county auditors, and not more than ninety days from such date. The board or joint board shall advise all owners of the lands to be affected by action on the petition of its filing, its object, and the date it will be heard and considered, by public advertisement in a newspaper of general circulation in each of the counties interested, once each successive week for at least two weeks, or in place of such public notice, they may direct auditor or auditors, to serve by registered mail a notice containing said facts and date of hearing * * * *

6137.05—Use of maintenance fund by board; conditions.

The maintenance fund created under authority of section 6137.01 of the Revised Code, shall be subject to the use of the board of county commissioners, or joint board of county commissioners, as the case may be, for the necessary and proper repair or maintenance of the ditch provided for in section 6137.02 of the Revised Code as follows:

(A) Whenever the board, or the joint board * * * has reason to believe that said ditch is in need of repair or maintenance, it shall * * * make an inspection of its condition, and if it finds such need to exist, it shall make an estimate of the cost of the necessary work and material required for the pur-

pose. If the finding is that the probable cost will not exceed five hundred dollars, it shall cause the proper repair to be made by "force account" and certify such costs to the county auditor or county auditors, for payment from said maintenance fund. But if the finding is that the probable cost of work and material will exceed five hundred dollars, the board, or joint board in case of a joint county ditch, shall cause the engineer to prepare proper specifications, covering the requirements for the particular case, and to advertise for bids thereon, as in case of original construction, under section 6131.24 of the Revised Code * * * *

CHAPTER 6141: CLEANING AND REPAIR OF DITCHES

6141.12—Letting of contracts.

If the cost of the cleaning or repairing of a ditch, drain, or watercourse in accordance with section 6141.11 of the Revised Code, as estimated by the ditch supervisor exceeds two hundred dollars, before letting a contract the ditch supervisor shall give notice of receiving bids by publication once in a newspaper of general circulation in the county wherein the work or part thereof is to be done, which notice shall be published at least one week before the time fixed for the receipt of bids, and shall also give notice of the letting of the contract by posting in three public places in the vicinity where the work or part thereof is to be done. Such posting shall be made at least one week before the date fixed for the receipt of bids. If the estimated cost is less than two hundred dollars, notice shall be given by posting in three public places in the vicinity where the work or part thereof is to be done. If the estimated cost is under fifty dollars, the ditch supervisor may at his option award a contract without advertisement or may if so ordered by the board of county commissioners proceed to complete the work by employing necessary labor and by purchasing the necessary material to complete the work * * * *

6141.13—Collection of cost of work.

Upon the completion of the work as provided in sections 6141.02 to 6147.17, inclusive, of the Revised Code * * * the ditch supervisor shall certify the cost thereof to the board of county commissioners * * * *

In all cases where the work has been under the supervision of the ditch supervisor and where the ditch repair or clean out has been done as a unit, the ditch supervisor shall make an estimate of the cost of such improvement, and shall appropriate the estimated cost thereof according to benefits to the several tracts of land benefited, and shall file such estimates with the auditor. The auditor shall report such apportionments to the board, and the board shall fix a time when such apportionment shall be heard, which time shall be not more than twenty days after the date of filing such estimates.

Upon the fixing of such time, ten days' notice of such hearing, as provided in sections 6131.01 to 6131.64, inclusive, of the Revised Code, shall be given by the ditch supervisor and the hearing shall proceed the same as the hearing on the report of the county engineer as provided in sections 6131.01 to 6131.64, inclusive, of the Revised Code, and all parties shall have the rights and remedies as provided in such sections. The board shall correct and approve such assessments, and shall order the ditch supervisor to let the contract according to sections 6141.11 and 6141.12 of the Revised Code * * * *

6141.14—Appeal from apportionment.

Any owner of land affected may appeal from an order of the board of county commissioners fixing the apportionment for cleaning out or repairing a ditch to the court of common pleas. Sections 6131.01 to 6131.64, inclusive, of the Revised Code shall so far as applicable be followed in taking such appeal * * * *

CHAPTER 6151: WATERCOURSES

6151.02—Appropriation proceedings; notice.

In order to acquire property as provided in section 6151.01 of the Revised Code, by appropriation proceedings, the board of county commissioners shall adopt a resolution declaring the necessity therefor. Such resolution shall contain an accurate description of the change to be made in the course of the river, creek, or other watercourse, and fix the time and place for hearing claims for compensation or damages on account thereof.

Notice in writing of the passage of such resolution shall be served on each owner or person having a legal interest in each parcel * * * If such owner is a nonresident of the county, service shall be had by publication of a notice of the adoption of such resolution, containing either a copy or the substance thereof, and that unless claims are filed in writing with the board on or before the time fixed in said resolution for hearing claims, such claims shall be waived. Such publication shall be made once a week for three consecutive weeks in a newspaper of general circulation within the county. Said published notice shall contain the name of every nonresident owner whose land or property is to be appropriated, and a copy of the newspaper containing such notice shall be mailed directly after the first publication to each nonresident owner whose land is to be taken by the clerk of the board, if his address is known to the clerk. Said service of notice shall be proven by affidavit of the person making the service or mailing said publication.

6151.12—Advertising and letting of work.

If the engineer appointed under section 6151.11 of the Revised Code recommends the straightening or cleaning out of the river, creek, or watercourse, and the board of county commissioners deems it advisable, at the first regular session after receiving the report it shall advertise the letting of the work for at least twenty days and let it to the lowest responsible bidder, taking from him a bond in the sum fixed by the board and payable to the state, with good sureties, for the performance of the work in a proper manner and within a time therein named. No bid shall be accepted that exceeds the estimated cost in such report, and the board may reject all bids.

CHAPTER 6153: REMOVAL OF DRIFT

6153.09—Notice to landowners.

The petitioner under section 6153.08 of the Revised Code shall give written notice to the owners of each tract of land sought to be affected by the proceedings of the filing and pendency of the petition. Such notice shall be served not less than five days before the day fixed for the hearing on such petition. If a person owning lands sought to be affected by the proceedings is a nonresident of the county, notice shall be given to him by publication for two consecutive weeks in a newspaper published or of general circulation in the county.

6153.19—Notice of the meeting of the jury; proof of publication and service.

The appellant perfecting an appeal under section 6153.15 of the Revised Code shall notify all persons interested in the removal of drift, timber, or other obstructions from the streams of the time fixed by the probate court for the meeting of the jury. If a person interested in such removal resides out of the state or cannot be served in writing with such notice, the probate judge, being notified thereof, shall publish such notice for three consecutive weeks in a newspaper printed or of general circulation in the county.

Proof of the publication of such notice shall be filed with the court before the impaneling of the jury, with proof of the service of the notice in writing on all persons so interested at or before the time so specified.

APPENDIX A

U. S. CONSTITUTION

AMENDMENTS

Article I—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof: *or abridging the freedom of speech or of the press;* or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

Article V—No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, *nor be deprived of life, liberty or property, without due process of law;* nor shall private property be taken for public use without just compensation.

Article XIV—1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, *nor shall any State deprive any person of life, liberty, or property without due process of law,* nor deny to any person within its jurisdiction the equal protection of the laws.

OHIO CONSTITUTION

Article I

Section 11.—*Of the Freedom of Speech; and of the Press; of Libels.*

Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury, that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted.

Article XVI

Section 1.—*Publication of Amendments.* Either branch of the general assembly may propose amendments to this constitution; and, if the same shall be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with the yeas and nays, and shall be submitted to the electors, for their approval or rejection, on a separate ballot without party designation of any kind, at either a special or a general election as the general assembly may prescribe. Such proposed amendments shall be published once a week for five consecutive weeks preceding such election, in at least one newspaper in each county of the state, where a newspaper is published. If the majority of the electors voting on the same shall adopt such amendments the same shall become a part of the constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment, separately.

RULES OF MEASUREMENT FOR PUBLIC NOTICES IN OHIO

Over the years there has existed much variation in the manner of setting up and measuring required public notice advertisements by newspapers. There has also existed much difference of opinion as to the requirements of the law.

So that publishers may be advised of the general rules for measurement of required public notices, the following summary is presented. These rules are comparable to the rules of measurement of public notices provided by the Bureau of Inspection and Supervision of Public Offices in the Office of the Auditor of State for use by field examiners.

Rules for Measurement

A square is the space occupied by 240 ems of the style of type used in printing the public notice.

An em is the square of the em quad of the type, expressed in points.

A point is one-seventy-second (1/72) of a linear inch.

Standard newspaper columns vary from 11½ to 13 ems.

Legal advertisements are usually printed in 6- or 8-point type, and if set up solidly, as required by law, without the use of leads, run twelve and nine lines, respectively, to the linear inch.

To measure an advertisement, proceed as follows:

Multiply the number of lines set in 6-point, or nonpareil, type by 23 (for 11½ em column), by 24 (for 12 em column), or by 26 (for 13-em column) and divide by 240 to reduce the notice to squares.

If the notice is printed in 8-point, or brevier type, multiply the number of lines by 17¼ (for 11½-em column), by 18 (for 12-em column), or by 19½ (for 13-em column) and divide by 240.

The above figures apply to newspaper columns of the standard widths of 23, 24 and 26 ems. The variations or lessening of ems of width as the size or point of the type increases must be carefully considered. Those who measure such advertisements, including state examiners, should use a reliable type-founders rule, showing the various sizes of type. Select the scale of the particular type to be measured, then lay this across the column of type and determine the width of the printed matter in ems.

The following table shows the number of ems to the line of the various types from nonpareil to pica:

	Number of Ems to the Line			
Size and Name of Type	11 em line	11½ em line	12 em line	13 em line
6-point—nonpareil	22	23	24	26
7-point—minion	18 6/7	19 5/7	20 4/7	22 2/7
8-point—brevier	16½	17¼	18	19½
9-point—bourgeois	14 2/3	15⅓	16	17⅓
10-point—long primer	13⅕	13⅘	14⅖	15⅗
11-point—small pica	12	12 6/11	13 1/11	14 2/11
12-point—pica	11	11½	12	13

In public notices containing subheads, there may be placed a 2-point lead above and a 2-point lead under each. Where a subhead requires two or more lines, no space or lead should be placed between the main line and its continuation.

State examiners, in auditing bills for required public notice, will be governed by the rules set forth. The advertisement should set forth all the matter required by law and no more. A copy of the advertisement should be attached to the voucher presented for allowance, and the voucher should be approved by the officers ordering the public notice.

The above information applies only to those newspapers with circulations of 25,000 or less. Newspapers with over 25,000 circulation may charge their regular contract rates for general display advertising.

ATTORNEY GENERAL'S OPINION AND COURT DECISIONS

Courts of Record—Based on an Attorney General's opinion issued in 1944, courts of record in Ohio are the Common Pleas Court, Court of Appeals, Supreme Court, and Municipal Courts created by legislative enactment. Effective October 2, 1953, Probate Court will also be included as a court of record.

Mayor's Courts and Justice of the Peace Courts are not courts of record.

With regard to courts of record, the opinion stated there are two classes of publications involved:

First, those that the law requires the court to publish, such as the times for holding court; and second, publications required to be made in connection with proceedings before the court by officers of the court.

Officers of the court would include any of the elected or appointed officials who place advertising in connection with any proceeding before a court of record. In addition, it would include officers of the court named by the court, such as receivers or master commissioners.

Express Contract—The rates for publication of delinquent, forfeited and omitted land lists are fixed by law and the matter of a contract for lesser rates than established by law is not involved. However, the rate set for publication of notices by public officials and courts of record in Section 7.10 of the Revised Code is a maximum rate, and is subject to express contract.

The case of *McCormick v. Niles* (81 O.S. 246) established this by the court's decision that the statute fixes the maximum rate, but no minimum rate.

Tabular Matter—Two court decisions have defined "tabular" matter and these interpretations have held during many years. The principle has also held since before 1909 that if any notices contain some tabular matter, the entire notice may be charged as tabular matter.

Murray v. Commissioners, 1 O.N.P. (N.S.)89, determined that tabular includes matter which is to be printed in the form of a table containing three columns of figures and requiring two or more justifications.

Knorr v. Commissioners, 4 O.N.P. (N.S.)35, determined that tabular includes matter which is to be printed in two columns, one of names and the other of amounts in figures.

Publication of Advertisements Under Section 6251, General Code— When Proof of Publication Must Be Paid For

(See Section 7.10, Revised Code)

1. Publishers of newspapers in which are published the advertisements, notices and proclamations described in Section 6251 of the General Code, may not charge in excess of the maximum rate prescribed in such section for such publication.

2. Where the statute specifically provides that proof of publication be furnished by the publisher, such proof constitutes an essential part of the publication and must be furnished and no additional payment may be demanded therefor.

3. Where the statute makes no provision as to proof of publication, no liability is imposed upon the subdivision in the event that proof is furnished by the publisher, but where in such case proof is demanded by any public authority and the publisher furnishes the same, a contractual relationship arises separate and apart from that incident to the publication itself and the publisher may refuse to furnish such proof unless he be reimbursed for the expense incident to the execution of such affidavit.

(1928 A.G.O. 2365)

DEPARTMENT OF TAXATION DEFINITION OF NEWSPAPER AS IT RELATES TO OHIO SALES TAX

A newspaper shall be held to be a publication bearing a title or name, published at a fixed place of business, regularly issued at fixed intervals as frequently as once a week and having a second-class mailing privilege, being not less than four pages of five columns or more each; the primary function of such a publication shall be to inform, instruct, enlighten, and entertain, to which the general public as a whole will and does resort for intelligence of passing events of a political, religious, commercial, and social nature, local and general current happenings, editorial comment, announcements, miscellaneous reading matter, advertisements, and other notices; circulated and distributed from an established place of business to subscribers or readers generally of all classes in the county or counties in which it is circulated, for a definite price or consideration for each copy or at a fixed price per annum, the circulation of which is proven bona fide by at least fifty per cent thereof being paid for by regular subscribers or through recognized news dealers; must publish in all editions an average of forty per cent news matter which has sufficient merit to have created a following of paid readers; provided, such a publication must be eligible for membership in the Ohio Newspaper Association, or the American Newspaper Publishers' Association, and if published daily to be eligible to become a subscriber or member of one of the recognized news gathering organizations in the United States, such as the Associated Press, United Press, United News Service, Universal Service, or the International News Service, to be a newspaper of general circulation.

This definition shall not be construed to include publications such as racing forms, shopping guides, and similar publications devoted primarily to advertising or any other publication devoted solely to specialized fields.

(The Tax Commission of Ohio, Special Sales Tax Ruling No. 85, Journal entry, April 3, 1935.)

APPENDIX B

DIGEST OF OHIO PUBLIC NOTICE STATUTES USED MOST FREQUENTLY

(For more complete details on each type of public notice listed below, reference should be made to the code sections which are reproduced in this volume.)

Kind of Public Notice	How Published (Code Section)	Number of Times	Ordered By
Absentee, appointment of trustee for, notice of hearing	Some newspaper of general circulation in the county. (2119.02)	Once a week for four consecutive weeks	Probate court
Administrator or executor, appointment of	Some newspaper of general circulation in the county (2113.08)	Three consecutive weeks	Probate court
Agricultural society, county, election of directors	At least two newspapers of opposite politics and general circulation in county. (1711.07)	Three weeks	Secretary of society
Assessment, municipal, notice of	Newspaper of general circulation in the municipal corporation (727.53)	Three consecutive weeks	Clerk of municipality
Ballots, contract for printing	Two leading newspapers published in the county (3505.13)	Once	Board of elections
Banks, annual reports	A newspaper published in the place where bank is established (1111.22)	Once	Bank
Banks, consolidation of	A newspaper of general circulation in the county in which the principal office of each bank concerned is located. (1103.37)	Once each week for four consecutive weeks	Bank
Banks, voluntary liquidation of	A newspaper of general circulation in the place where bank is located. (1103.36)	Once a week for four consecutive weeks	Bank
Bastardy, pendency of proceedings	A newspaper of general circulation in the county wherein cause is pending. (3111.22)	Six consecutive weeks	Court of common pleas
Blighted area, hearing on development plan	A newspaper of general circulation in the city and the area affected. (725.03)	Once each week for two consecutive weeks	Clerk of municipality
Bond issue, election	One or more newspapers of general circulation in the subdivision. (133.11)	Once a week for four consecutive weeks	Board of elections
Bridges, county, resolutions and notices on construction, etc.	A newspaper printed and of general circulation in the county where improvement is to be made. (5591.15)	Once a week on same day for two consecutive weeks	Board of county commissioners
Budget of subdivision, notice of hearing	In official publication of subdivision or a newspaper with general circulation in the subdivision. (5705.30)	At least once	Subdivision

Kind of Public Notice	How Published (Code Section)	Number of Times	Ordered By
Building and loan association, annual reports	A newspaper regularly issued and of general circulation in the county where association located. (1155.08)		Building and loan assn.
Building and loan association, stockholders meeting	A newspaper of general circulation in county where principal office of the association is located. (1151.11)	Once each week on same day for three consecutive weeks	Building and loan assn.
Contracts, bids by municipality	A newspaper of general circulation within the city. (735.05)	Not less than two nor more than four consecutive weeks	Director of public service
Contracts, bids by village	A newspaper of general circulation in the village. (731.14)	Not less than two nor more than four consecutive weeks	Village council
Corporation, judicial dissolution of	A newspaper of general circulation in the county where the corporation has or had its principal place of business. (2733.24)	Once a week for four consecutive weeks	Trustee
Corporation, voluntary dissolution of	A newspaper published and of general circulation in county where principal office of corporation is located. (1701.89)	Once a week on same day of week for two successive weeks	Board of directors
Court of appeals, fixing term of	One or more newspapers of general circulation in the county. (2501.04)	Once a week on same day of week for three consecutive weeks	Clerk of court of appeals
Court of common pleas, fixing term of	One or more newspapers of general circulation in the county. (2301.06)	Once a week on same day of week for three consecutive weeks	Clerk of court of common pleas
Delinquent lands, notice of unpaid taxes	Two newspapers of opposite politics and of general circulation in the county and published in English language. (5721.03)	Twice within 60 days	County auditor
Depositories, designation of	Two newspapers of opposite politics and of general circulation in county. (135.07)	Once a week for two consecutive weeks	Governing board
Estate, sale of personal property of	A newspaper of general circulation in the county. (2113.41)	At least three times	Probate court
Financial report by county auditor	Two English newspapers of opposite politics published in and of general circulation in the county. (319.10)	Once	County auditor
Financial reports, general	A newspaper published in the district, or lacking such, in a newspaper of general circulation in the district. (117.19)		Chief fiscal officer
Forfeited lands, notice of sale	Two newspapers of opposite politics and of general circulation in the county. (5723.05)	Once a week for two consecutive weeks	County auditor
Garbage and refuse disposal, resolution by county	A newspaper of general circulation in the county. (343.04)	Once a week for two consecutive weeks	Board of county commissioners

Kind of Public Notice	How Published (Code Section)	Number of Times	Ordered By
Grade crossing, county hearing on improvement	Two newspapers published and of general circulation in the county. (5561.04)	For two weeks	Board of county commissioners
Health district, general, orders and regulations	One newspaper published and of general circulation in the district. (3709.21)	Once a week for two consecutive weeks	Board of health district
Highways, county, bids for improvement	A newspaper published and of general circulation in the county. (5555.61)	Once	Board of county commissioners
Highways, county, hearing on improvement	A newspaper published and having general circulation in the county where such improvement is located. (5553.05)	Once a week for two consecutive weeks	Board of county commissioners
Highways, county, hearing on damage claims	A newspaper published and having general circulation within the county. (5553.11)	Once a week for two consecutive weeks	Board of county commissioners
Highways, county, resolution for improvement	A newspaper published and of general circulation in the county. (5555.07)	For two weeks	Board of county commissioners
Highways, state, bids for construction	Two newspapers of general circulation and of the two dominant political parties published in the county in which the improvement or part thereof is located. (5525.01)	For two consecutive weeks	Director of highways
Highways, state, bids for maintenance and repair	Two newspapers of general circulation and of the two dominant political parties published in county in which improvement or part thereof is located. (5517.02)	Two consecutive weeks	Director of highways
Highways, state, application for compensation to claimants	A newspaper published and of general circulation in the county where action filed. (5523.12)	Once each week for two consecutive weeks	Court
Highways, state, notice of grade crossing proposal	A newspaper published and of general circulation in the county where improvement is to be made. (5523.11)	Once each week for two consecutive weeks	Director of highways
Highways, state, notice of hearing to change road	One newspaper of general circulation in each of the counties in which it is proposed to make such changes. (5511.01)	Once each week for two successive weeks	Director of highways
Highways, township, bids for maintenance and repair over $1000	A newspaper published in the county and of general circulation in the township. (5575.01; 5575.02)	Once	Board of township trustees
Highways, township, bids for purchase over $1000	A newspaper published in the county and of general circulation in the township. (5549.21; 5575.01)	Once	Board of township trustees

Kind of Public Notice	How Published (Code Section)	Number of Times	Ordered By
Highways, township, notice of improvement and hearing	A newspaper published in the county and of general circulation in the township. (5573.02)	Once a week for two consecutive weeks	Board of township trustees
Highways, township, sale of bonds	A newspaper published in the county and of general circulation in the township. (5573.14)	Once	Board of township trustees
Improvements, county, bids for	A newspaper published and of general circulation in the county. (5559.12)	Once	Board of county commissioners
Insurance, certificate of compliance	A newspaper published and of general circulation in every county where there is an agency of the company. (3905.11)	Once	Insurance company
Jurors, drawing of	At least two newspapers of general circulation in the county. (2313.20)	Once	Commissioners of jurors
Land purchase, county, when over $1000	One or more newspapers in the county.	Four consecutive weeks	Board of county commissioners
Lands, sale of by state	Two newspapers of opposite politics and of general circulation in the county in which the land is located. (123.68)		Department of public works
Non-residents, service by notice	A newspaper printed in the county where the petition is filed. (2703.17)	Six consecutive weeks	Clerk of court
Ordinances, general, for organizing a municipality	Not more than two newspapers of general circulation in the municipal corporation. (705.16)	Once	Clerk of municipality
Ordinances, notices, resolutions, proclamations,etc., of municipality	Two English newspapers of opposite politics, published and of general circulation in the municipal corporation. (731.21)	Ordinances: twice Notices: 2 to 4 weeks Other: once	Clerk of municipality
Parkways, municipal, construction of	Two newspapers of general circulation in the city. (747.05)	Three weeks	Board of rapid transit commissioners
Partnership association, limited, dissolution	Two newspapers published in the proper city or county. (1783.11)	At least six consecutive times	Association
Partnership, limited, dissolution	A newspaper printed in each of the counties where partnership has places of business. (1781.17)	Once a week for four weeks	Partners
Partnership, limited, notice of certificate	A newspaper printed in the county where the principal place of business is located. (1781.04)	For six weeks	Partners
Plat, application for vacating or altering	A newspaper printed and of general circulation in the county. (711.18)	Once	Applicant
Probate court, claims against estate	A newspaper published or circulating in the county or in such manner as the court may direct. (2117.02)	Three consecutive weeks	Executor or administrator

Kind of Public Notice	How Published (Code Section)	Number of Times	Ordered By
Probate court, service of notice	Some newspaper of general circulation in the county. (2101.26)	Once each week for three consecutive weeks	Probate court
Public buildings, labor and materials of construction	Such newspapers as the department of public works orders. (153.07)	Once a week for four consecutive weeks	Department of public works
Public buildings, notice of labor and materials for construction	Such newspaper as the department of public works orders. (153.07)	Once a week for four consecutive weeks	Department of public works
Public improvement, resolution by municipality	Two newspapers of opposite politics published and of general circulation within the municipal corporation. (727.09)	Twice	Clerk of municipality
Public improvement, resolution of necessity	A newspaper of general circulation within the municipal corporation. (727.14)	At least twice	Clerk of municipality
Public utilities, application for increased rate	A newspaper published and in general circulation throughout the territory in which the public utility operates. (4909.19)	Once a week for three consecutive weeks	Public utility company
Public utilities, hearing on abandonment of service	A newspaper of general circulation in any county or municipal corporation where operating franchise granted. (4905.21)	Once a week for four consecutive weeks	Public utilities commission of Ohio
Public works, state, appropriation procedure by jurors when owner unknown or non-resident	A newspaper published in the county. (123.31)		Probate court
Public works, state, certificate of compensation to non-resident in exigency	A newspaper of general circulation in the county in which the property is situated. (123.23)	Four consecutive weeks	Director of public works
Public works, state, contracts over $500 for improvement or repair	A newspaper of general circulation in or continguous to the county where contract is to be let and where work is to be done. (123.15)		Director of public works
Real estate, county, notice of assessment completion	A newspaper of general circulation in the county. (5713.01)	Once a week for three consecutive weeks	County auditor
Real estate, lease or sale of by municipality	A newspaper of general circulation in the municipal corporation. (721.03)	Once a week for five consecutive weeks	Clerk of municipality
Real estate left by deceased, sale of	Some newspaper printed in the county where lands are situated. (2127.32)	At least four weeks successively	Probate court
Real estate, sale of by county	A newspaper of general circulation in the county. (307.10)	Once a week for four consecutive weeks	Board of county commissioners
Real property, sale of for benefit of creditors	Some newspaper of general circulation in the county where property is located. (1313.22)	Four consecutive weeks	Probate court
Revivor action, service of conditional order	A newspaper printed in county where petition is filed. (2311.29)	Six consecutive weeks	Clerk of court
School district, local, resolution for creation or property transfer	One newspaper of general circulation in the territory affected. (3311.27)	Once each week for two consecutive weeks	County board of education

Kind of Public Notice	How Published (Code Section)	Number of Times	Ordered By
School house, contract for repair or remodeling	Some newspaper of general circulation in the district; if two newspapers, in both. (3313.46)	Four weeks	Board of education
Street or alley, application for vacating or narrowing	A newspaper of general circulation in the municipal corporation. (723.07)	Six consecutive weeks	Clerk of municipality
Streets, municipal, lighting of	Two newspapers of opposite politics published and of general circulation within municipal corporation. (727.07)	Once a week for two consecutive weeks	Clerk of municipality
Streets, municipal, treatment of	A newspaper published and of general circulation in the municipal corporation. (723.26)	Once each week for two weeks	Clerk of municipality
Superstructure, erection and repair	Two of the principal newspapers in the county having the largest circulation therein, unless only one newspaper. (153.40)	Weekly for four consecutive weeks	Board of county commissioners
Tax collection, municipal	A newspaper of general circulation in the municipal corporation where place of collection is located. (323.62)		Clerk of municipality
Tax levy outside 10-mill limitation, notice of election	A newspaper of general circulation in the subdivision. (5705.25)	Once a week for four consecutive weeks	Board of elections
Township levy increase, election	Not less than one newspaper of general circulation in township. (511.28)		Township clerk
Township lighting, unincorporated districts, bids for	A newspaper of general circulation. (515.01)	Once a week for two consecutive weeks	Board of township trustees
Township property, sale of	A newspaper published or of general circulation in township. (505.10)	Once a week for three weeks	Board of township trustees
Township vehicle parking	A newspaper of general circulation in the township. (505.17)	Three consecutive weeks	Board of township trustees
Township waste disposal districts, creation of	Two newspapers of general circulation in the township. (505.28)		Board of township trustees
Turnpike, appropriation of property, non-residents' notice	Some newspaper of general circulation in the county. (5537.06)		Turnpike commission
Turnpike, bids for construction	A newspaper of general circulation in Franklin County and in such other publications as the commission determines. (5537.04)	Not less than two consecutive weeks	Turnpike commission
Warehouseman, satisfaction of lien, notice of sale	A newspaper published in the place where sale is to be held. (1323.33)	Once a week for two consecutive weeks	Warehouseman
Wills, notice of recording	Two weekly newspapers of the county; lacking such, in one newspaper of general circulation in the county. (2107.32)	Three consecutive weeks	Probate judge
Zoning, county, hearing on recommended plan	One or more newspapers of general circulation in township. (303.06)	Once	County rural zoning commission

Kind of Public Notice	How Published (Code Section)	Number of Times	Ordered By
Zoning, county, hearing on resolution	A newspaper of general circulation in the county. (303.08)	Once	Board of county commissioners
Zoning, township, hearing on plan	One newspaper of general circulation in the township. (519.08)	Once	Board of township trustees
Zoning, township, hearing on recommendations	One or more newspapers of general circulation in the township. (519.06)	Once	Board of township trustees
Zoning, township, hearing on resolution	One or more newspapers of general circulation in the township. (519.07)	Once	Board of township trustees

ALPHABETICAL OR TOPICAL INDEX

	Section	Page
ABANDONMENT		
Public utility	4905.21	113
ABATEMENT		
Nuisance, when	3767.01	101
ABORTION		
Advertisement prohibited	2905.33	89
ABSENTEE		
Trustees for, appointment by court, notice	2119.02	69
ADDITIONAL NOTICE		
Interest on state debt	129.10	8
Rules by state agency	119.03	5
ADMINISTRATION (See Administrator, Administrative Agencies)		
Letters, exception, public notice	2113.03	67
ADMINISTRATIVE AGENCIES		
State rules, adopted and rescinded; notice	119.03	5
ADMINISTRATOR		
Ancillary, public notice	2129.09	72
Appointment, public notice	2113.08	68
Failure to give notice	2113.09	68
New administrator, public notice	2113.10	68
ADOPTION		
Consent to, improper support issue, public notice	3107.06	94
Of child, advertisement prohibited	5103.17	118
Of rules by state agencies, public notice	119.03	5
Placement, hearing on approval or disapproval, notice	3107.08	94
ADVERTISEMENT		
Agricultural matters, definition	907.01	39
Censorship by board of liquor control	4301.03	109
Dental practice, when lawful	4715.18	111
Divorce	3105.02	93
Endurance contests	3773.14	102
Fraudulent	2911.41	92
By real estate broker, prohibited, forfeiture of license	4735.18	112

	Section	Page
Funeral home	4717.11	112
Insurance companies	3905.43	106
In law journals, court calendars	2701.09	76
Liquor	4301.03	103
Of abortion, prohibited	2905.33	89
Of adoption, prohibited	5103.17	118
Of medium, licensed by municipality	715.65	25
Political advertisement	3599.08, 3599.09	97
Prices, in violation of contract	1333.07	53
Secret drugs	2905.33	89
Trademark		
Injunction against improper publication	1329.66	52
Reproduction of, improperly or without consent	1329.65	52
AFFIDAVIT		
Before service by public notice	2703.15	78
Conditional order for revivor of action, for service by public notice	731.21, 2311.29	33, 73
Public notice, proved by affidavit	2703.18	78
Correction of false publication	2739.15	87
Unknown heirs, affidavit for service by public notice	2703.24	78
Watercourse, proceedings to straighten, proof of service	6151.02	171
AGRICULTURAL SOCIETY		
Accounts of, to be published	1711.15	59
Bonds to buy site, public notice	1711.30	60
Bonds to pay debt, public notice	1711.18	60
Directors' election, public notice	1711.07	59
List of awards, to be published	1711.05	59
Land purchased, leased, owned, jointly	1711.17	60
AGRICULTURE		
Advertisement, definition	907.01	39
Advertisement in agricultural matters, words prohibited	907.05	39
Animal diseases, public notice	941.53	41
Bakeries, public notice	911.34	40
Director of agriculture, power to make rules, public notice	907.08	40
Experimental farm, public notice	903.10	39
Experimental farms, sale of, public notice	903.21	39
Inoculants, misleading advertisement	907.20	40
Investigation, results to be published	907.20	40

ALLOWANCE	Section	Page
Publication of notice allowed as court costs	7.13	3
Year's allowance to widow, public notice	2117.23	69
AMENDMENT (See Constitution of Ohio)		
ANCILLARY (See Administrator)		
ANNEXATION		
Adjacent territory to municipality, public notice	709.03, 709.16	23
Election, ordinance, public notice	709.29	24
APPORTIONMENT, DECENNIAL		
For members of general assembly, published by governor	107.09	4
APPROPRIATION OF PROPERTY		
Bridge appropriated by county	5591.39	140
By corporation, notice to unknown owner	2709.09	79
By hydraulic company	1723.01	63
Municipal public notice to unknown owner	719.05	25
Public notice after passage of resolution	719.07	26
Public works, department of, emergency appropriation	123.23	6
Non-emergency appropriation	123.31	6
Roads, state or county	5555.09	131
ARBITRATION		
Labor disputes, hearing, public notice	4129.05	109
ARTICLES OF INCORPORATION (See Banks, Corporations)		
ASSESSMENT		
Companies, members of	3903.20	103
Delinquent personal and classified property taxes, publication of list	5719.04	145
Mutual insurance companies, public notice	3941.18	107
Newspapers, when tax not imposed	5739.02	149
Notice of assessments to be published	727.53	31
Reappraisal by county auditor, public notice	5713.01	144
Revision of tentative assessment, road improvement	6103.15	158
Road improvement, hearing, public notice	5555.07	131
Claims for compensation, hearing, public notice	5555.27	132
Court to decide equitable assessment, public notice	5555.42	132
Estimates of cost, contract, public notice	5555.71	133
Valuation increase, public notice	5715.12	144
County board of revision, equalization, public notice	5715.17	144

	Section	Page
Water supply district, public notice	6103.05, 6103.06	157, 158
Revision of tentative assessment	6103.15	158
Supply to outside district, public notice	6103.20	159
Sprinkling of streets, municipal ordinance, public notice	727.36	30
Associations (See Building and Loan Associations, Cemetery Associations)		
Attachment		
Bastardy proceedings, judicial sale, public notice	2715.25	79
Auction		
Sale of property unclaimed or abandoned, public notice	2907.43	90
Auditor of County		
Financial report, publication	319.10	14
Banks		
Closed on certain days, public notice	5.41	1
Commencement of business, public notice	1103.18	42
Conservation of assets	1113.02	44
Consolidation, transfer of assets, public notice	1103.37	43
General provisions	1103.42	43
False advertisement of capital	1115.24	47
Interest on state debt, where paid, public notice	129.10	8
Liquidation, dividends	1113.18	46
Meeting of stockholders	1113.28	46
Notice prescribed by court of common pleas	1113.18	46
Possession by superintendent	1113.12	45
Public notice of application	1113.06	45
Public notice of taking possession	1113.04	45
Public notice on hearing of application	1113.12	45
Public notice to file claims	1113.06, 1113.08	45
Proposed bank, public notice	1103.05	42
Regulations, public notice	1103.21	42
Report to superintendent, publication	1111.22	43
Resumption of business, public notice	1113.23	46
Retirement from state, public notice	1107.19	43
Stockholder default on shares, sale, public notice	1103.15	42
Barbers		
Revocation of certificate, public notice	4709.17	111
Bastardy		
Service by publication in cases of attachment	3111.22	94

BENEVOLENT INSTITUTIONS	Section	Page
Petition for business within prohibited distance, public notice	5121.13	119
Sale of cemetery land, public notice	1715.02	61
Several institutions consolidated, public notice	1715.37	62
Consolidation of religious societies	1715.09	62
BIRTH CERTIFICATE		
Registration, correction of, public notice	3705.20	98
BLIGHTED AREAS		
Rehabilitation, public notice	725.03	28
Modification of plan	725.10	28
BOARDS		
Agricultural society, of	1711.18, 1711.30	60
Building standards, publication of rules	3781.12	102
Commissioners of sinking fund,		
Certificate of bonded debt	129.18	8
Publication of place, where interest paid	129.10	8
Education		
Sale of real or personal property, public notice	3313.41	95
School construction, contract, public notice	3313.46	95
Hospital commissioners, contract to erect hospital, public notice	749.11	38
Hospital trustees		
Contract to erect hospital, public notice	749.26	38
Contract for supplies, public notice	749.28	38
Housing, state		
Certain actions without public notice	3735.52	100
Contract for work for any project, public notice	3735.36	100
Planning, zoning, and sanitary laws	3735.44	100
Sale of bonds of metropolitan housing authority, public notice	3735.46	100
Sale or lease of land by municipality for parks	3735.12	99
Liquor Control		
Advertisement of sale of beer and liquor	4301.03	109
Park trustees (See Parks)		
Public affairs (See Public Affairs)		
Rapid transit commission, powers, public notice	747.05, 747.11, 747.12	37
Revision (Taxation)		
Increase in valuation of property, public notice	5715.12	144
Valuation of property revised, public notice	5715.17	144
Township trustees		
Improvement of roads (See Roads)		

Bond Issues	Section	Page
Bonded debt of state, where interest paid, public notice.	129.10	8
Delivery of goods secured by bond	2329.12	74
Depository which failed, public notice of sale	135.16	10
Election, public notice	133.11	9
County agricultural society	1711.18, 1711.30	60
Park district	1545.24	57
School district	133.18	9
Water improvement	1523.02	55
Publication expenses secured by deposit	7.15	3
State bonds, public notice of sale	129.18	8
Subdivision of state, public notice of sale	133.35	9
Bridges		
Appropriation of bridge by county	5591.39	140
Bridge notices, how published	7.11	2
Condemnation power of bridge commission	5593.09	140
Construction by county	5591.27	140
Building and Loan Associations (See also Banks)		
Annual report to be published	1155.08	47
Annual statement published	1157.06	48
Application for liquidation instructions, hearing, notice	1157.15	48
Liquidation proceedings		
Application for, hearing, public notice	1157.15	48
Publication of claims	1157.06	48
State superintendent, possession by, public notice	1157.02	47
Superintendent's powers, public notice	1157.11	48
Self-liquidation, public notice	1157.23	49
Shareholders' meetings, public notice	1151.11	48
Buildings		
County memorial, election, public notice	345.03	16
Time of bonds, election, public notice	345.02	15
Public buildings, construction of, public notice	153.06	10
Cost limit of $1000 without notice	153.42	11
State contract to erect, public notice	153.07	10
Township memorial, question of erection submitted	511.08	19
Contract, public notice	511.12	19
Canals		
Construction by municipal corporation, public notice	729.22	32
Cattle		
Tuberculin test, petition, public notice	941.53	41

CEMETERY	Section	Page
Sale of old approach, by municipality, public notice	759.47	38
Sale of old ground when cemetery closed by municipal order, public notice	1721.15	63
Transfer of land to cemetery association, public notice	1715.03	62
Transfer of land when religious societies unite, public notice	1715.09	62
Transfer of land from one cemetery association to another, public notice	1721.17	63
CENSUS		
City reduced to a village, public notice	703.10	22
Military, public notice	5917.05	150
CERTIFICATES		
Required for publication	101.72	4
CHARGE FOR PRINTING (See Cost of Printing and Publication)		
CHURCHES		
Sale of real estate, public notice	1715.05	62
Transfer of property after consolidation, public notice	1715.09	62
CIGARETTES		
Advertisement of	1333.14	53
Sales of	5743.43	150
CLAIMS		
Against state, public notice by administrator	2117.02	69
COMPANIES AND CORPORATIONS		
Bond investment companies, annual statement, publication	3949.11	108
Credit guaranty corporations, creation, public notice	3945.01	107
Advertisement by unauthorized company		
Defaulting companies, sale of securities	3903.38	103
Dissolutions		
Judicial, public notice	2733.24	80
Voluntary, public notice	1701.89	58
Insolvent, claims against, public notice	3903.21	103
Liquidation, public notice	1701.89	58
Sales		
Real and personal property	1702.27	58
Securities of defaulting companies	3903.38	103
Shares of non-paying members	1701.30	58
Securities to qualify by public notice	3903.38	103

CONSERVANCY DISTRICT	Section	Page
Annexation of, public notice	6101.72	154
Anticipatory bonds, public notice	6101.50	153
Appraisals, hearing, public notice	6101.32, 6101.33	152
Appraisals, subsequent, public notice	6101.42	152
Bonds, public notice	6101.49	153
Change of original plan, public notice	6101.39	152
Defect in notice not to affect proceedings	6101.43	153
Directors of, rules and regulations, public notice	6101.19	151
Establishment of, hearing, public notice	6101.08	150
Improvement of		
Contract, public notice	6101.16	151
Hearing, public notice	6101.13	150
Land inclusion or exclusion, hearing, public notice	6101.30	151
Publication defined for purposes of conservancy district	6101.01	150
Union conservancy district		
Annexation	6101.72	154
Correction of faulty notice	6101.78	154
Creation	6101.70	153
Forms of notice	6101.84	154
Water rights, assessment of rates, public notice	6101.24	151
CONSTITUTION		
Ohio, articles on free press, public notice	Appendix A	172
United States, amendments on free press, due process, right to vote	Appendix A	172
CO-OPERATIVES		
Notice of meetings to members and stockholders	1729.12	64
COST OF PRINTING AND PUBLICATION		
Advance deposit for public notice in municipal court	1901.26	65
Deposit required	7.15	3
Expense allowed as court costs	7.13	3
Expense to political party for printing advertisements	3517.07	97
Free publication concerning county homes	337.17	14
Improvement, municipal, cost to include cost of publication	727.54	31
Insolvency proceedings	1313.46	50
Judicial matters	2701.09	76
Paid advertisement, designating of	3599.08	97
Printing ballots	3505.13	97

	Section	Page
Publication of court calendar	2701.09	76
Publication only after fees are paid	2329.38	75
Rates for legal advertising generally	7.10	1
COUNTY		
Bridges		
Appropriation of property for, public notice	5591.06	139
Establishment, public notice	5591.15	140
Improvement, public notice	5591.07, 5591.09	139
Modification, public notice	5591.08	139
Rebuilding, public notice	5591.27	140
Commissioners		
Publication of general interest	7.11	2
Establishment, public notice	301.02	11
Garbage plan, resolution, public notice	343.04	15
Improvement	343.05	15
Homes of county (county homes), financial report published	337.17	14
Hospitals, erection, improvement, public notice	339.05	15
Improvement and purchase of materials in county, public notice	307.07	12
Indexing, contract for, public notice	317.20	13
Memorial buildings, tax, election, public notice	345.03	16
Newspapers to be preserved	307.71	12
Road improvements in platted territory, public notice	5559.12	134
Sale		
County lands, invitation for bids	307.12	12
Seat of justice, establishment, public notice	301.15	11
Taxation		
Agricultural society aided by tax, election, notice	1711.15	59
Assessment of taxes in general, public notice	323.08	14
Place where taxes received, public notice	323.62	14
Water supply system		
Establishment, plan, public notice	6103.05	157
Improvement, hearing, public notice	6103.06	158
Revised estimate published	6103.15	158
Supply to outside district, contract, public notice	6103.20	159
Zoning		
Rural, public notice	303.06, 303.08	11
COURTS		
Appeals, of		
Failure to hold term, public notice	2501.11	76
Times for holding court, public notice	2501.04	76

	Section	Page
Common pleas, of		
Special terms of holding, public notice	2301.09	72
Resigning from property trust for county hospital	339.08	15
Times for holding court, public notice	2301.06	72
Vacating or narrowing streets, public notice	723.10	27
Courts generally, allowance of cost of public notice	7.14	3
Order fixing time for holding court, public notice	7.11	2
Courts of record generally, publication of calendar	2701.09	76
Jurors, drawing of, public notice	2313.20	73
Municipal		
Service of writs, summons and process, publication	1901.23	65
Probate		
Service of notice ordered by	2101.26, 3107.06	65, 94
Supreme		
Special terms of holding court, public notice	2503.34	76
DAMS		
Construction by municipality, appropriation, public notice	743.40	37
DEATH		
Coroner's notice to relatives of deceased	313.14	12
Determination of heirship, public notice	2123.04	71
Foreign will admitted to record, public notice	2129.07	71
Presumption of,		
Notice when letters of administration granted in another state	2121.02	70
Public notice	2121.01	70
Testimony, public notice	2121.04	70
Probate judge ordering public notice	2107.32	66
DEALERS		
Application for licensed published	1707.15	59
DECENNIAL APPORTIONMENT		
Published by governor	107.09	4
DELINQUENT LANDS		
Definition of Newspaper	5721.01	145
Fees for publication	5721.05	147
Lists and duplicate to be published, public notice	5721.03	146
DENTAL PRACTICE		
Certificate revoked, public notice	4715.30	111

DEPOSIT	Section	Page
Required for service by publication	7.15	3
Public funds of, public notice	135.07	9
DEPOSITION		
Against absent party, public notice	2319.17	74
On complaint	101.47	4
DEPOSITORIES		
Estimates of deposits, resolution, public notice	135.07	9
DESTRUCTION		
Literature, prohibited	2909.10	91
DISTRICT (See Conservancy District)		
Health, regulations, public notice	3709.21	99
Sanitary (See Sanitary District)	6115.07	159
Sewer (See Sewer District)	6117.06	164
Taxing, financial report, publication	117.19	5
Water and sewer (See Water District)	6119.04	166
DITCHES		
Cleaning, repair, public notice	6141.12	170
Cost of work, public notice	6141.13	170
Appeal from apportionment, public notice	6141.14	170
Hearing on assessment rate petition, public notice	6137.03	169
Maintenance fund established, public notice	6137.05	169
Single county ditches		
Change or extension, public notice	6131.09	168
Contract, advertisement	6131.24	169
Fees for public notice	6131.58	169
Improvement, public notice	6131.07	167
Schedule filed, public notice	6131.16	168
DIVORCE		
Public notice to procure, prohibited	3105.02	93
Public notice to unknown defendant	3105.06	94
DRIFTS		
Removal of		
Notice of jury meeting	6153.19	171
Notice to landowners	6153.09	171
ELECTIONS		
Ballots, how printed	3599.22	98
Board of education, election of (See Boards)		
Board of elections to let contract for printing, public notice	3501.11	96

	Section	Page
Bond issues		
By board of education to finance permanent improvement, public notice	133.18	9
By county, school district (except county school district), municipality, township, and joint township hospital district, public notice	133.11	9
To purchase voting machines, public notice	3507.16	97
Change of voting precinct, public notice	3501.21	96
Contract to print ballots	3503.13	97
Notice of registration	3503.12	96
Plan of city government, election	705.01	22
Political publications	3599.08, 3599.09	97
Proclamation of election published	7.11	2
Public notice of	3501.03	96
Public park, in township, public notice	511.21	19
ELECTRICITY, GAS AND WATER		
Contract by municipality, no public notice in emergency	743.11	36
EMBALMERS AND FUNERAL DIRECTORS		
Meeting of board, public notice	4717.03	112
EMERGENCY		
Department of public works, no public notice required	123.15	6
Property appropriation, no public notice required	123.23	6
EMPLOYER		
Registration of lobbyists	101.71	4
ERIE, LAKE		
Lease of land and water, public notice	721.07	26
EXCEPTION		
To rule requiring public notice in certain newspapers, permission to publish in others	7.14	3
EXCHANGE		
School land by municipality, public notice	721.20	27
EXPENSE (See Costs of Publication)		
FALSE, FRAUDULENT STATEMENTS		
Advertising	2911.41, 2911.42	92
Generally	2911.03	91
Prospectus of corporation	2911.30	92
FAULTY NOTICE		
Correction of	6115.74	160

FIDUCIARY	Section	Page
Neglect in filing account, court may compel publication	2109.31	66
Publication of account	2109.32	67
FINANCIAL REPORT		
Chief fiscal officer, publication	117.19	5
Political subdivision, publication	117.19	5
FUNDS (See Sinking Fund)		
Deposits of public funds	135.07	9
FUNERAL DIRECTORS (See Embalmers and Funeral Directors)		
GARBAGE		
County disposal district, public notice	343.04, 343.05	15
GENERAL ASSSEMBLY		
Apportionment for members, publication by governor	107.09	4
GOVERNOR (See General Assembly)		
GRADE CROSSINGS		
By county, hearing, public notice	5561.04	135
Public notice to non-resident	5561.08	135
Public notice, resolution of cost of improvement	5561.14	136
By municipality, elimination of, public notice	4957.20	116
On state highway, improvement, public notice	5523.11	124
Claims, judicial inquiry	5523.12	125
GUTTERS (See Sidewalks)		
HEALTH		
Board of health district, regulations, public notice	3709.21	99
HIGHWAYS		
Alteration of highway or street		
Appropriation of property, public notice	5519.01	124
Construction, improvement, contract, public notice	5517.02	123
Contract by director of highways, generally, public notice	5525.01	125
Drainage rights, powers of director of highway, county commissioners, township trustees, public notice	5579.01	138
Entry of county engineer upon private lands, compensation of damages, public notice	5543.13	128
Failure to complete county road contract	5555.68	133
Grade crossings		
County commissioners	5561.04	135
Elimination of, with federal aid	5531.03	126
Improvement	5523.11	124

	Section	Page
Judicial inquiry into claims	5523.12	125
State and inter-county highway	5561.14	136
Summons by publication	5561.08	135
Readvertisement of county highway bids	5555.63	133
Readvertisement when contractor fails, state highway	5525.17	125
Removal of obstructions, public notice	5515.06	123
Sale of obsolescent materials, public notice	5513.04	122
Hospitals		
Municipal		
Contract to erect, public notice	749.11, 749.28	38
Plans printed and distributed	749.26	38
State		
Hospital, plan for, public notice	3701.39	98
Housing		
Metropolitan authority, contract for construction, public notice	3735.36	100
Hydraulic Company		
Appropriation of land by, public notice	1723.01, 1723.02	63
Impeached Officer		
Receipt of notice by publication	101.47	4
Improvement		
County garbage disposal district, plans	343.05	15
Township lands, public notice	501.18	16
Inability to Deliver Notice		
When administrative agency rule made, public notice	119.07	5
Independent Newspaper		
Definition of	7.11	2
Indexing		
For county, contract assigning work for	317.20	13
Innkeepers		
Sale of property of guest, public notice	4721.05	112
Inns		
Lease of, public notice	1501.10	54
Inspection Report		
Industrial establishment, including printing shop, to be published	4107.32	109

INSURANCE COMPANIES (See Companies and Corporations) *Section* *Page*

Advertising misrepresentation, general.....3999.08 et seq. 108

Approval of newspaper for public notice.....3905.14 104

Domestic legal life reserve insurance, organization, public notice 3907.04 106

Insurance companies, generally

Examination of, publication.....3901.07 102

Foreign insurance company, publication of certificate 3905.11 104

Approval of publication.....3905.12 104

Life insurance company, discontinuance, public notice..3905.24 105

Other than life, discontinuance.....3905.25 105

Misleading sickness, accident advertising prohibited...3923.16 106

Mutual insurance companies

Amendment of articles, publication.....3941.03 107

Assessment examined by court, publication.....3941.18 107

Mutual protective insurance upon persons, revocation of authority, public notice.....3919.23 106

Mutual protective insurance upon property, public notice 3939.10 107

Sale of defaulting company securities, public notice...3903.39 104

Unsound company authority revoked, public notice....3903.35 103

INTOXICATING LIQUOR

Advertisement controlled by board.....4301.03 109

JOURNALS

Law journals, to print abstracts of legal advertisement.2701.09 76

LAKE ERIE

Lease of land and water, public notice..... 721.07 26

LEARNING

Institution of, revocation.....1713.09 61

Sale of property.....1713.24 61

LEASE

Land by director of public works, public notice..... 123.64 7

LIBEL AND SLANDER

Defense, definition, correction.....2739.01 et seq., 2901.37 85, 88

General discussion 81–85

LIBRARY CONSTRUCTION

Construction or improvement over $5000, public notice.3375.41 95

LICENSING

Notice of hearing published..... 119.07 5

Small loan business, application, public notice.....1321.04 51

LIENS	Section	Page
Enforcement notice by publication	1311.19	49
Sale of animal to satisfy claim, public notice	1311.49	49
Taxes levied for municipal improvement, enforcement, public notice	727.56	31
Trustee for creditor to file account, public notice	1313.45	50
LIQUOR CONTROL		
Board of liquor control, rules published	4301.03	109
Property seized for violation, public notice	4301.45	110
Seizure of wine or bulk beer, public notice	4301.52	110
State liquor stores, lease contract, public notice	4301.11	110
LOBBYING		
Newspapermen exempt from registration	101.71	4
No person to be employed on contingent basis	101.76	4
LOTS, LAND		
Outside municipality, vacation, public notice	711.25	24
LOTTERIES		
Advertisement prohibited	2915.19	92
MARRIAGE		
Confidential character of physical examination	3101.05	93
MEMORIAL BUILDINGS		
County	345.03	16
Township	511.21	19
Increased levy for	511.28	19
METROPOLITAN HOUSING AUTHORITY		
Bond issue, public notice	3735.46	100
METROPOLITAN ZONING		
Public notice	3735.44	100
MILITARY CENSUS		
Public notice	5917.05	150
MOTOR CARRIERS, TRANSPORTATION COMPANIES		
Application for certificate, hearing, public notice	4921.09	114
Private motor carriers	4923.06	115
Death of operator, general	4921.13	115
Death of operator, private motor carrier	4923.09	115
Registration, contract to make lists	4503.26	110

MUNICIPAL CORPORATION (See Village)	Section	Page
Appropriation of property		
Public notice before passage of resolution	719.05	25
Public notice after passage of resolution	719.07	26
Census, resolution to take, public notice	703.10	22
Change of name, public notice	707.25	23
Charter, public notice under	701.05	21
Contract or purchase over $1000, public notice	735.05	35
Government, question of form, election	705.01	22
Copy of argument furnished electors	705.03	22
Incorporation, petition, public notice	707.05, 707.16	22, 23
Lands and real estate		
Draining or filling of, public notice	715.47	25
Lease along Lake Erie, public notice	721.07	26
Real estate, sale or lease, public notice	721.03	26
Sale or lease for railroad station, public notice	721.14	26
School land, exchange of	721.20	27
Lighting of streets, alleys, etc.	727.07	28
Joint repair of streets, bids, bonds, public notice	727.08	29
Ordinances and resolutions		
Times and certificate of publication required	731.22, 731.24	34
What must be published	705.16, 731.20, 731.21	22, 23
Parks (See Parks)		
Notice of bids over $1000 by park trustees	755.30	38
Personal property of municipality, sale or lease, public notice	721.15	26
Planning commission, creation of, hearing, public notice	713.12	25
Platting, alteration, vacation of plat, public notice	711.18	24
Reconstruction, application for, public notice	711.35	25
Proclamation, publishing of	7.11	2
Publications, general	701.04	21
Purchase of public utility, election, public notice	745.07	37
Rapid transit commission, powers, public notice	747.05, 747.11, 747.12	37
Rehabilitation of blighted areas, public notice	725.03, 725.10	28
Sewer and water systems		
Establishment, public notice	727.05	28
Streets		
Improvement, public notice	727.09, 727.14, 5557.03	29, 133
Sanitation, public notice	723.26	27
Sprinkling, cleaning, public notice	727.36, 727.37	30
Vacating, narrowing, public notice	723.07	27

	Section	Page
Taxes		
Annual, public notice	705.17	22
For improvement of streets, public notice	727.54	31
Unclaimed property		
Sale of, public notice	737.32	36
NAME		
Change of name of municipality	707.25	22
Change of name of person	2717.01	80
NEWSPAPER		
Bona fide newspaper not a nuisance	3767.01	101
Definitions	117.19.,2739.11, 5721.01	5, 86, 145
Of opposite politics, definition	5721.01	145
Office of publication, to show	7.12	2
Qualified for publication of notice	7.12	2
When no newspaper of designated character exists	7.14	3
NEW TRIAL		
Service by publication	2703.14	77
NOXIOUS WEED (See Weed)		
OBSCENE LITERATURE		
Definition, mailing, legitimate publications, advertising	2905.34, 2905.36 et seq.	89
Search and seizure	2905.35	89
OFFICE		
Of new railroad company after consolidation, public notice	4967.17	117
Of newspaper to be shown therein	7.12	2
OPPOSITE POLITICS		
Newspapers of, definition	7.11, 5721.01	2, 145
ORCHESTRA		
Established by municipality, notice of election	757.02	38
ORDERS		
Published in two newspapers	7.11	2
ORDINANCES (See Municipal Corporation)		
PARDON		
Pendency of, public notice	2965.18	93
PARENT OR AGENT		
When leaves state or becomes unknown, public notice	2151.29	72

PARKING REGULATIONS	Section	Page
By township, public notice	505.17	18
PARKS		
Enlargement		
By annexation, public notice	1545.15	57
Establishment by municipality		
Contract by board of park trustees	755.30	38
Purchase of land	3735.12	99
Issue of bonds		
Public sale, advertisement	1545.24	57
Sale to federal agency, no advertisement required	1545.25	58
Park district		
Acquisition of land, public notice	1545.03	56
Sale of land not needed, public notice	1545.12	51
PARTNERS		
Bond for deceased partner's estate, notice of filing	1779.05	64
PARTNERSHIP, LIMITED		
Creation, certificate published	1781.04	64
Dissolution		
By act of partners, public notice	1781.17	64
Procedure, public notice	1783.11	65
PERISHABLE GOODS		
Sale of, by warehouseman, public notice	1323.34	51
PERSONAL PROPERTY		
Of county, sale, public notice	307.12	12
Of municipality, sale, public notice	721.15	26
PETITION AND APPLICATION		
County		
Seat of justice, establishment of, public notice	301.02	11
PLANS		
Municipal government, election, public notice	705.01	22
State buildings, public notice	153.40	10
PLATS AND PLATTING		
Municipal, by director of public service, inspection, public notice	735.20	35
Joint platting commission, public notice	735.25	36
Plats and plans amended, public notice	735.26	36
POLITICAL SUBDIVISION		
Publication of financial report	117.19	5

	Section	Page
POLITICS		
Newspapers of opposite politics, public notice	7.11	2
Definition	5721.01	145
PRESERVATION		
Of newspapers by county	307.71	12
PRESS FREEDOM		
Ohio Constitution	Appendix A	172
United States Constitution	Appendix A	172
PRINTING		
Ballots, printing of	3599.22	98
Cost of printing (See Costs of Printing and Publication)		
Inspection under safety code, results published	4107.32	109
Printing for all state departments		
Classification of	125.47	7
Failure of contract, public notice	125.39	7
Printing at penal institutions	5145.18	119
Proposals of bids for contract	125.48	8
Purchase of paper by state, public notice	125.33	7
Rejection of bids, public notice	125.35, 125.52	7, 8
PRIVILEGES		
Exemption from registration as lobbyist	101.71	4
Exemption from revealing source of information	2739.12	86
Publishing affidavit report	2713.05	74
Publishing public reports	2317.04 et seq.	73
PROCLAMATIONS (See Municipal Corporation)		
To be published in two newspapers	7.11	2
PUBLIC AFFAIRS		
Board of trustees, powers and duties, public notice	735.29	36
PUBLIC CONTRACT (See Contract)		
PUBLIC DEPOSITORY		
Failure of, public notice	135.16	10
PUBLIC NOTICE, PUBLICATION		
Advertising, display (See Advertisement)		
Alimony and divorce cases	3105.06	94
Attachment proceedings	3111.22	94
Elections, notice of (See Elections)		
False publication		
Banks	1115.24	47
Real estate broker	4735.18	112

	Section	Page
General provisions, public notice, process	7.01, 7.10 to 7.15	1, 2–3
Rates, definition of square (Also see Costs of Publication)	7.10	1
Influencing voters by publication	3599.08	97
Municipal ordinances (See Municipal Corporation)		
Notice, impeached officer	101.47	4
Notice not prevented by certain provisions	731.29	35
Political publication must be identified	3599.09	97
Proof of publication by affidavit, when required	Appendix A	174
Quo Warranto	109.18, 2733.11	5, 80
Resolution estimating funds of agency	135.07	9
Rules of measurement	Appendix A	173
Service by publication		
General provision	2703.14	77
Affidavit necessary	2703.15	78
How publication is made	2703.17	78
Proof of service	2703.24	78
Residence known, content of publication	2703.16	78
Unknown heir, how notified	731.25	34
When no paper in municipality	731.25	34
Public Service, City		
Sewer and water construction, public notice	727.05	28
Public Utility		
Complaint by, public notice	4905.26	114
Intention to establish rates, public notice	4909.19	114
Purchase by municipal corporation, election, public notice	745.07	37
Return of money by	4903.19	113
Quo Warranto		
Service by publication, in attachment proceedings	2733.11	80
Railroads		
Arbitration, service of notice	4961.35	117
Consolidation, place of main office to be published	4967.17	117
Crossing, elimination of	4957.20	116
Damages for diversion, public notice	4961.08	116
Extension of line, public notice	4961.18	116
Lease and purchase of, public notice	4961.32	116
Reorganization		
Adjustment of indebtedness, public notice	4971.14	118
Creditors' meeting, public notice of	4971.02	118

	Section	Page
Sale of railroad		
Petition in court, public notice	4969.13	117
Sale accomplished, public notice	4969.15	117
Stockholders' meeting, public notice	4969.02	117
Sale or lease of municipal land	721.14	26
REAL ESTATE (See Assessment, Lands, Municipal Corporation, Platting, School District, Township)		
Conditional grant of, public notice	5301.27	119
Lease of, for oil or gas extraction	5101.12	118
Registration of title		
Additional notice	5309.16	121
Application, public notice	5309.15	120
Religious purposes, disposition of when not used	1715.05	62
Religious society, sale or encumbrance of land, public notice	1715.39	63
RECOMMENDATION		
By pardon and parole commission, public notice	2965.18	93
RECORDS		
Birth certificate, restoration, public notice	3705.20	98
Restoration of, municipal, public notice	711.35	25
Roads, restoration	2729.09	80
RELIGIOUS MATTERS		
Consolidation of religious societies	1715.09	62
Real estate, public notice	1715.05, 1715.39	62, 63
RELOCATION		
Of institution of learning	1713.09	61
REPORT		
Financial, published by political subdivision	117.19	5
RETURN		
Of deposit required for service by publication	7.15	3
Of money by public utilities	4903.19	113
ROADBED		
Condemnation when unfinished, non-resident, notice	2709.34	79
ROAD RECORDS		
Reconstruction of, hearing, public notice	2729.09	80
ROADS, COUNTY		
Establishment, alteration vacation		
Appeals	5553.43	130
Change of road upon owner's petition	5553.23	130

	Section	Page
Making new road, viewing	5553.05	129
Notice to non-residents	5553.11	129
Report of engineer, hearing	5553.19	130
Through land of another	5553.42	130
Viewing by joint board	5553.14	129
Improvement		
Appropriation of property for, public notice	5555.09	131
Contract assigned, public notice	5555.61	132
Objections, hearing, public notice	5555.27	132
Resolution for, public notice	5555.07	131
ROADS, TOWNSHIP		
Culverts		
Purchase of machinery, public notice	5549.21	128
Improvement, general		
Apportionment published	5573.12	137
Assessment published	5573.10	136
Proposition published	5573.02	136
Taxes, public notice	5573.14	137
Improvement outside of municipality		
Contract advertised	5559.06	134
Plan, hearing, public notice	5559.06, 5559.10	134
Road district outside municipality	5573.21	137
Maintenance		
By contract, public notice	5575.01, 5575.02	138
New contract for extra work	5575.05	138
Readvertisement	5575.03	138
SALES		
Bonds (See Bond Issues)		
Goods		
By department of public works	123.68	7
By municipal officer	737.32	36
By warehouseman	1323.33	51
In behalf of creditors	1313.23	50
Of deceased person	2113.41	68
Of guest by innkeeper	4721.05	112
Of institution of learning	1713.24	61
Of municipality	721.15	26
Of township	505.10	18
On execution	2329.12, 2329.13	74
Stranded vessel	4585.10	111
Lands		
By any public body to metropolitan authority	3735.55	101
By cemetery (See Cemetery)		
By county	307.10	12

	Section	Page
By court in behalf of creditors	1313.22	50
By court on execution, when in municipality	2329.23	75
Auction advertised	2329.26	75
Printer's fee	2329.38	75
Public notice	2329.27	75
Readvertisement	2127.33	71
By municipality		
Land in general	721.03	26
Land for railroad station	721.14	26
School and ministerial land	501.34	17
If obtained from federal government	501.38	17
By state	123.68	7
Along Lake Erie	721.07	26
By township		
Land other than school or ministerial	501.34	17
School or ministerial land	501.38	17
By trustee for absentee	2119.04	70
General provision, public and private, public notice	2127.32	71
When located in municipal corporation	2329.23	75
Grants and devises of land, conditional	5301.27	119
Under administration of estate		
Public sale	2127.33	71
SALESMAN		
License of, public notice	1707.16	59
SANITARY DISTRICT		
Adding or excluding land in district, hearing, public notice	6115.32	159
Correction of faulty notice	6115.74	160
Establishment, hearing, public notice	6115.07	159
Hearing on improvement plan, public notice	6115.16	159
Improvement, public notice	6115.16	159
Contract for	6115.20	159
Land inclusion or exclusion	6115.34	160
Appraisals	6115.34	160
Exception	6115.35	160
Readjustment	6115.54	160
Sanitary treatment of streets	723.26	27
SCHOOL DISTRICT		
Resolutions published	3311.27	95
SCHOOL LANDS (See Sales)		
SETTLEMENT		
Witht creditors, hearing, public notice	1313.45	50
Notice of filing accounts	1313.46	50

	Section	Page
SEWAGE PLAN, MUNICIPAL		
Construction authorized	729.39	33
Contract advertised	729.44	33
Petition for establishment, public notice	729.34	32
Resolution of necessity, public notice	729.38	33
SEWER AND WATER CHANNELS		
Establishment of main	727.05	28
Other than main	727.29	30
SEWER DISTRICTS, COUNTY		
Construction, contract for, public notice	6117.27	165
Construction, resolution of, public notice	6117.07	165
Costs, public notice	6117.29	166
Fixing trial date of appeal, public notice	6117.15	165
Petition by landowners, public notice	6117.28	165
Plan of sewerage, public notice	6117.06	164
Revised assessment	6117.32	166
SIDEWALKS		
Construction and repair by municipality	729.02, 729.03	31
Construction upon petition	5543.10	128
By village	729.13, 729.14	32
Notice to non-residents	729.04	31
SINKING FUND		
Bids for bonds invited by public notice	129.18	8
Interest, where paid, public notice	129.10	8
SLANDER (See Libel)		
Action within one year	2305.11	73
SMALL LOAN COMPANIES		
False, misleading advertising prohibited	1321.11	51
SOIL CONSERVATION DISTRICT		
Election of supervisors	1515.05	54
Petition to create district	1515.03	54
Public notice	1515.01	54
Referendum on creating district, continuance	1515.04, 1515.12	54, 55
SQUARE		
Definition of	7.10	1
STREET RAILWAY		
Establishment, public notice	723.39	27
Property acquired for, election, public notice	745.07	37

STREETS	Section	Page
Lighting of	727.41, 727.42, 727.53	30, 31
Narrowing of	723.07	27
Sanitary treatment	723.26	27
Surface of, treatment	723.26	27
SUPERSTRUCTURES		
Contract to build for state	153.32	10
TAXES, TAXATION		
Agencies		
Department of taxation, rules to be published	5703.02	141
Taxing district to publish report	117.19	5
Agricultural societies,		
County aid to, public notice	1711.15	59
Assessment of real estate, public notice	5713.01	144
Budget, any subdivision		
Public hearing, notice	5705.30	143
Child welfare, county, public notice	5705.24	143
Delinquent lands	5721.01	145
Definition of newspaper	5721.01	145
Foreclosure	5721.18	148
Form of notice, sale of lands	5723.10	149
Partition, public notice	5723.15	149
Readvertisement, sale of bonds	5723.07	149
Delinquent taxes, public notice	5719.04	145
Collection, public notice	5721.02, 5721.04, 5723.05	146, 147
Fees for publication	5721.05	147
Form of notice	5721.06, 5721.16	147, 148
Equalization, public notice	5715.17	144
Hospitals, county, public notice	5705.22	142
Library, election, public notice	5705.23	143
Municipal improvement	727.56, 5705.43	31, 144
Sales tax, exemption for newspapers, printing houses	5739.02	149
Special taxes		
Appropriation ordinance	5705.40	144
Budget, public inspection, notice	5705.30	143
Child welfare levy	5705.24	143
County hospital additional levy, no notice required	5705.22	142
Improvements by special assessments	5705.43	144
Library levy, no notice required	5705.23	143
Public notice, general	5705.19, 5705.191	141
Resolution published	5705.25	143
School purposes	5705.21	142
Tuberculosis hospital	5705.20	142

	Section	Page
Tax levy in excess	5705.25	143
Valuation increase	5715.12	144
Township		
Boundaries, adjustment, public notice	503.05	18
Cemeteries, public sale of	517.22	21
Hospitals, erection, public notice	513.06	19
Tax for erection and maintenance, public notice	513.09, 513.14	20
Improvement upon lands	501.18	16
Lands, sale of	501.34	17
Lighting, unincorporated districts	515.01	20
Petition, notice of	515.04	20
School lands, sale of, public notice	501.38	17
Waste disposal district, creation of, public notice	505.28	18
Zoning, public hearing, public notice	519.06, 519.08	21
Resolution disapproved, public hearing	519.07	21
Trade Marks		
Advertising, improper use in	1329.65	52
Common law rights	1329.67	53
How to file	1329.42	52
Injunction against advertising infringement	1329.66	52
Trust Companies (See Banks)		
Turnpike Commission		
Appropriation of property, public notice	5537.06	127
Condemnation, contract powers, public notice	5537.04	127
Rules, regulations, by-laws, publication of	5537.16	127
Trustee		
For absentee, public notice	2119.02	69
For creditors, public notice	1313.14	50
Tuberculosis		
Of cattle, public notice	941.53	41
Two Newspapers		
What to be published in	7.11	2
Village		
Contract of, public notice	731.14	33
Detachment of territory, election, public notice	709.39	24
Warehouseman		
Lien for claim, advertisement	1323.33	51

WATER	Section	Page
Appropriation of land over $1000 for dams, reservoirs, etc.	1523.01	55
Channels	727.05	28
Courses, Straightening of		
Appropriation notice	6151.02	171
Contract advertised	6151.12	171
Improvement construction		
Bonds to finance	1523.02	55
Contract	1523.03	56
Repair of, notice	1523.08	56
Supply of, in county	6103.05	157
WATER (See Hydraulic Company) Continued		
Water and sewer district, regional		
Contract, advertisement	6119.10	167
Objections, public notice	6119.09	166
Petition, hearing, public notice	6119.04	166
Resolution of necessity	6119.25	167
WATERCRAFT		
Seizure and sale of	4585.10	111
WEEDS, NOXIOUS		
Destruction of, by municipal order, public notice	731.51	35
WIDOW		
Of non-resident decedent, notice to	2117.23	69
WILDLIFE COUNCIL		
Appropriation of property by, public notice	1531.26	56
YEAR'S ALLOWANCE		
To widow, application, public notice	2117.23	69
ZONING		
Township, hearing, public notice	519.06, 519.07	21